

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Restricted Area, Naval Supply Center Pier, San Diego Bay, San Diego, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule invites comments on the Corps of Engineers proposal to establish a restricted area in the waters of San Diego Bay adjacent to the Naval Supply Center Pier in San Diego, California. The area in the vicinity of the Naval Supply Center Pier must be protected because it contains a security interest which if compromised would cause damage to the command mission or national security. Vessels will be allowed to pass through the area without stopping. Entry into the area is prohibited only during wartime conditions.

DATES: Interim final rule effective June 29, 1990. Written comments must be received on or before July 30, 1990.

ADDRESS: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Kegarice at (213) 894-5606 or Mr. Ralph Eppard at (202) 272-1783.

SUPPLEMENTARY INFORMATION: The Commanding Officer, Naval Supply Center, San Diego, California has requested the Army Corps of Engineers establish a restricted area in the waters adjacent to the Naval Supply Center Pier, San Diego. The restricted area will extend approximately 100 feet out from

the north, west and south sides of the Naval Supply Center Pier. There is no anticipated navigational hazard or interference with existing waterway traffic. However, vessels must proceed through the area without stopping, loitering or anchoring unless specifically authorized by the Commander, Naval Base, San Diego, or his designee.

This interim final rule is made effective immediately on June 29, 1990, due the existing and continuing threat to the security and safety of the personnel and property at the Naval Supply Center Pier. We will, however, consider any comments or objections submitted and make any changes to the regulations we determine to be appropriate.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of E.O. 12291 do not apply.

I hereby certify that this interim final regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger zones.

In consideration of the above, the Corps of Engineers is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3)

2. In § 334.870, paragraph (d) is redesignated as paragraph (e) and

revised to read as follows, and a new paragraph (d), (d)(1) and (d)(2) are added to read as follows:

§ 334.870 San Diego Harbor, Calif.; restricted area.

(d) Restricted area at the Naval Supply Center Pier—(1) the area. The waters of San Diego Bay extending approximately 100 feet out from the north, west and south sides of the Naval Supply Center Pier enclosed by lines connecting the following stations:

Station	Latitude	Longitude
A.....	32°42'50" N	117°10'25" W
B.....	21°42'50" N	117°10'38" W
C.....	32°42'54" N	117°10'38" W
D.....	32°42'54" N	117°10'25" W

(2) The regulations. (i) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time other than a vessel operated by or for the U.S. Navy, U.S. Coast Guard, other authorized military components, or other vessels authorized by Commander Naval Base, San Diego or his designee.

(ii) Loitering, dredging, dragging, seining, fishing and similar activities within the restricted area are prohibited.

(e) Enforcement. The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, California, and such agencies as he/she may designate.

Dated: June 20, 1990.

Approved Patrick J. Kelly

Patrick J. Kelly,

Major General, USA, Director of Civil Works.

[FR Doc. 90-15144 Filed 6-28-90; 8:45 am]

BILLING CODE 3710-92-M

Registered Federal

Friday
June 29, 1990

Part XI

Department of Defense

Department of the Army

32 CFR Part 556

Private Organizations on Department of the Army Installations; Rule

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 556

Private Organizations on Department of the Army Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The Army announces a revision of 32 CFR part 556. This revision provides policy and procedures for authorization and operation of private organizations (POs) on Army installations and sets policy for official participation by Department of the Army (DA) agencies, commands, and personnel in activities of private organizations operating on- and off-post. It implements DOD Instruction 1000.15 and DOD Directives 5500.2 and 5500.7 cited in 32 CFR part 212.

EFFECTIVE DATE: July 30, 1990.

FOR FURTHER INFORMATION CONTACT:

Ms. Tracy Kennedy, Community and Family Support Center, ATTN: CFSC-AE-P, Alexandria, VA 22331-0507, (202) 325-9370.

SUPPLEMENTARY INFORMATION: This revision also refines guidance concerning official involvement with private organizations; implements legislation to support Scouting Associations; provides guidance for the operation of on-post informal funds; revises the audit requirement for private organizations operating on-post; updates policy for provision of Government support and services to on-post private organizations; deletes requirement for nationally affiliated bowling leagues to become private organizations; provides guidance for type 2 private organizations overseas; and rescinds AR 1-210 and incorporates that information in section E, thereby removing one regulation from the Army inventory.

Executive Order 12291

This final rule has been reviewed under Executive Order 12291 and the Secretary of the Army has classified this action as nonmajor. The effect of the final rule on the economy will be less than \$100 million.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 and the Secretary of the Army has certified that this action does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

List of Subjects in 32 CFR Part 556

Army Department, Federal buildings and facilities.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

32 CFR Part 556 is revised as follows:

PART 556—PRIVATE ORGANIZATIONS ON DEPARTMENT OF THE ARMY INSTALLATIONS

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Appendix B to Part 556—Classification System for Private Organizations by Type and Subtype Glossary

Authority: 10 U.S.C. 3102.

Subpart A—Introduction

§ 556.1 Scope.

(a) *Purpose.* This regulation sets forth policy, procedures, and responsibilities for the authorization and operation of private organizations (POs) operating on Army installations, and official participation by Department of the Army (DA) agencies, commands, and personnel in the activities of POs and associations regardless of whether they operate on or off DA installations. This guidance does not cancel any specific agreements between Federally sanctioned or affiliated POs and the U.S. Government, the Department of Defense (DOD), or DA.

(b) *Applicability restrictions.* This regulation does not apply to—

- (1) POs operating outside of DA installations that request use of Army space or facilities.
- (2) Army funds or activities accounted for under U.S. Treasury symbols.
- (3) Nonappropriated fund instrumentalities (NAFIs).
- (4) Appropriated fund (APF) and nonappropriated fund (NAF) contractor and subcontractor organizations and funds on DA installations.
- (5) Patients' trust funds.
- (6) Prisoner of war funds.
- (7) Prisoners' personal deposit funds.
- (8) Funds established for civilian employees at civil works activities of the Corps of Engineers.

§ 556.2 References.

Required and related publications are listed in appendix A to this part.

§ 556.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the glossary.

§ 556.4 Responsibilities.

(a) The Deputy Chief of Staff for Personnel (DCSPER) will be the Headquarters, Department of the Army (HQDA) proponent for POs on DA installations.

(b) The Commander, U.S. Army Community and Family Support Center

(CFSC), will establish DA policies and procedures for operation of POs on DA installations.

(c) Major Army commanders will—

(1) Ensure that subordinate commands comply with this regulation.

(2) Review installation policies and procedures for monitoring POs.

(d) Installation commanders will—

(1) Ensure that all POs operating on their installations comply with this regulation.

(2) Determine what conditions require an official inquiry or investigation of a PO to best preserve United States interests. An official inquiry will not be made to meet the biennial PO audit requirement.

(3) Prohibit the possession or sale of drug abuse paraphernalia by or in POs, as required by AR 190-30.

Subpart B—Private Organizations

Description

§ 556.5 Types of private organizations.

(a) *Three PO types.* (1) Type 1—Federally sanctioned POs. POs that provide a recognized service to DOD and its employees. These POs are sanctioned by specific DOD authority. All type 1 POs are governed by this regulation except those listed below.

(i) Credit unions. (See AR 210-24.)

(ii) Banking offices or institutions. (See AR 210-135.)

(iii) American National Red Cross. (See AR 930-5.)

(iv) United Service Organization, Inc. (See AR 930-1.)

(v) United Seamen's Service. (See AR 700-83.)

(vi) Labor organizations subject to section 71, title 5, United States Code (5 U.S.C. 71) (See Federal Personnel Manual (FPM) chap. 711.)

(vii) Association of Supervisors and Managers. (See CPR 251.)

(viii) Civil Air Patrols. (See Air Force Regulation 46-6.)

(ix) Army Emergency Relief. (See AR 930-4.)

(2) *Type 2—Affiliated POs.* POs that have a national or State headquarters with local chapters, affiliations, or lodges. These POs conduct activities of common interest to a voluntary membership.

(3) *Type 3—Independent POs.* POs established, organized, operated, and controlled locally by common interest groups with no formal association with outside or parent organizations.

(b) *PO subtypes.* (1) For classification purposes there are eight authorized subtypes of POs. Classification of POs does not confer a preferred status on any one type or subtype, but serves to

identify the various POs commonly found on DA installations. All POs operating on-post will receive equal treatment. (See appendix B to this part for a classification schematic of POs.)

(2) Authorized groupings are based upon one or more of the following characteristics:

(i) Similar purposes or objectives.

(ii) Related activities.

(iii) Common age level of membership.

§ 556.6 Informal funds.

Certain unofficial activities may operate on DA installations without being authorized as type 3 (Independent) POs, provided they do not exceed a net worth of \$1,000. Installation commanders may exclude certain funds or activities from the provisions of this regulation due to their limited scopes, activities, memberships, or funds. (Examples are office coffee funds, cup and flower funds, Christmas party funds, family support groups, Army Community Service (ACS) volunteer activities, and annual picnic funds.) These smaller funds are subject to the following:

(a) Only one individual is to be responsible for fund custody, accounting, and documentation. The fund custodian will administer fund business during off-duty time. This individual will report annually to his or her military rater or civilian supervisor, as appropriate, concerning the fund's existence and purpose, financial status, or upon occurrence or suspicion of irregularities associated with the fund.

(b) Use is limited to expenses consistent with the purpose and function of the fund, and is not to be expended in any way that is, or appears to be, improper or contrary to Army interests.

(c) Compliance with AR 600-50 is to be observed when participating in private organizational activities and when expending informal funds.

(d) Commanders are to ensure that personnel are aware of Army policy regarding private organizations and may establish more specific policy and procedures for private organizational activities and informal funds on their installations.

Policy

§ 556.7 Overview.

(a) POs are not NAFIs, so they are not entitled to the special immunities and privileges given NAFIs.

(b) POs are not entitled to, and will not receive, DA endorsement by virtue of their contributions to the military installation, their espousal of DA goals and objectives, their support of the military community, or for any other reason.

(c) There is no official relationship between PO activities and official duties and responsibilities of DOD personnel who are PO members or participants.

(d) POs are not part of the military organization, so they receive only limited Government supervision.

(e) POs operate on a financially and operationally self-sustaining basis, except for support authorized in chapter 4.

(f) Neither the Federal Government nor its NAFIs have any vested interest in the assets of a PO. Nor will either make any claim to PO assets or incur or assume any obligation of a PO.

(g) Installation commanders may acquire for the installation (under DA policy and applicable Federal laws) property—

(1) Abandoned by a PO due to its disestablishment.

(2) Given to the installation by the PO. (See AR 1-100.)

(h) POs will follow all laws governing comparable private sector activities. (See § 556.13)

(i) DA interest in the operations of POs is due only to their—

(1) Location on DA installations.

(2) Relationships with both the Federal and private sectors.

(3) Activities that support recognized programs that benefit the DOD family.

(4) Responsibilities as employers.

§ 556.8 Restrictions.

(a) No PO will use or include in its title, logo, or letterhead—

(1) The name or seal of DOD or the acronym "DOD."

(2) The name, abbreviation, or seal of any military department or Service.

(3) The seal, insignia, or other identifying device of the local installation. The installation commander may authorize an exception to this restriction if clear identification is needed, provided official DOD sponsorship or endorsement is neither stated nor implied.

(b) Activities of POs will in no way prejudice or discredit DOD components or other agencies of the Federal Government.

(c) A PO will not duplicate or compete with a NAFI or APF governmental function on a DA installation.

(d) All PO functions and expenditures must be authorized by the local PO's constitution by bylaws. Only the PO will choose its specific functions and expenditures. DOD personnel acting in an official capacity will not influence these choices.

(e) A PO will not be created, operated, or administered by DOD personnel acting in an official capacity or on

behalf of an official purpose to evade restrictions on expenditures of APFs or NAFs.

(f) A PO will not be created, operated, or administered for a commercial purpose.

(g) POs will not engage in the resale of alcoholic beverages at any time.

§ 556.9 PO employment and membership practices.

(a) POs must follow all labor laws that apply to private sector employment. POs will not be allowed to operate on DA installations if their employment practices discriminate based on—

- (1) Sex, age, religion, race, color, national origin, or marital status;
- (2) Lawful political affiliation;
- (3) Labor organization membership; or
- (4) Physical handicaps.

(b) POs will not discriminate in membership on the basis of race, color, sex, national origin, or religion. This does not preclude the existence of religious, cultural, or ethnic POs when—

(1) Their membership is not restricted or discriminatory;

(2) Similar religious, cultural, or ethnic POs are approved without preference.

(c) The installation commander may approve the operation of certain POs that restrict membership to one sex. One or more of the following must apply:

(1) The PO's purpose is philanthropic and, by tradition, its membership has been of one sex.

(2) The PO's purpose and function is to benefit one sex, and its membership is composed of that sex. (Examples are scouting organizations or women's and men's sports associations.)

(3) The PO has a specific purpose and function that restricts membership to one sex, but also has a counterpart organization with the same purpose and function. (Examples are women's and men's sports clubs, women's and men's civic associations, boy/girl scouting organizations.)

(d) PO membership campaigns and recruitment practices will neither involve nor give the appearance of involving compulsion, coercion, or influence. (See AR 600-50 and AR 600-20.) Prohibited activities include the following:

(1) Repeated petitions, orientations, or counseling of persons who have chosen not to join a PO.

(2) Use of membership statistics by supervisors to influence nonmembers.

(3) Compilation of by-name lists of nonmembers.

§ 556.10 Insurance.

(a) When appropriate, POs will obtain adequate insurance as protection against public liability claims, property

damage claims, or other legal actions arising from activities of the PO, or one or more of the PO's members acting on its behalf.

(b) Insurance will be appropriate when PO activities or functions expose the public to possible risk.

(c) Insurance (such as fidelity or fire insurance) of PO assets is the responsibility of each PO.

§ 556.11 Audit.

POs with gross annual revenue of \$1000 or more will be audited at least once every 2 years. The following provisions apply:

(a) POs using a double entry accounting system, regardless of source of income over \$1000, will be audited by a qualified auditor. (See definition in glossary.)

(b) POs using a single entry accounting system will be audited as follows:

(1) With income only from contributions dues, and assessments, by either a PO member who holds no office and is at least 18 years of age, or a qualified auditor.

(2) When they engage in resale or fundraising activities, by either an appointed committee of three PO members who hold no offices, or a qualified auditor.

(c) Type 2 POs with financial statements audited annually by their national headquarters may submit a copy of such an audit. If not audited by their national headquarters, the provisions of paragraphs (a) and (b) of this section.

§ 556.12 Taxes.

POs must comply with all Federal, State, and local tax laws. POs must seek private counsel or contact proper tax officials to ensure compliance with all tax laws. POs located overseas will obtain a statement of clarification from the local office of the Staff Judge Advocate (SJA).

(a) Federal income tax. Certain types of POs (for example, charitable, religious, educational, or scientific) may qualify for exemption from Federal income tax under section 501 of the Internal Revenue Code. Type 2 POs, in which national organizations control taxes for all local chapters, must provide a statement to this effect; it must be signed and notarized by the national headquarters. All other POs will obtain a statement of their tax status from their Internal Revenue Service (IRS) district office.

(b) Federal income tax withholding for employees, Federal employee taxes, and reports on amounts paid. POs must comply with laws that apply and obtain

guidance from private counsel or the IRS.

(c) State and local sales, income, occupation, and employer taxes. Local law will determine whether POs—

(1) Must comply with State and local tax requirements, or

(2) Are exempt from State and local tax requirements.

§ 556.13 PO compliance with State or local laws.

(a) Licensing, certification, or registration with State or local authorities may be required for POs engaging in certain activities such as raffles or insurance operations. In approving a permit to operate, the installation commander will decide whether the PO should request a written statement from State or local commissions as to how State laws, local laws, or other requirements apply. The commander will consult with the local SJA office in making this decision.

(b) POs are not exempt from State or local law because they operate on Federal property. This regulation does not require licensing, certification, or registration of PO activities unless specifically required by State or local authorities. The licensing requirement applies only in the State containing the Federal property in which the PO operates.

Subpart C—Requirements and Procedures for On-Post Operation

§ 556.4 Overview.

The following procedures apply to all POs subject to this regulation, except as discussed in §§ 556.15 and 556.16.

(a) *Operating permit.* All POs that operate on DA installations must have an operating permit. POs seeking a permit to operate on a DA installation must apply in writing to the installation commander.

(b) *Documentation.* (1) Application for a permit will include—

(i) A charter, articles of agreement, constitution, or bylaws. (See sample format at figure C-1 in § 556.15.) Private organizations not using one of these documents in the standard format must ensure that all required information is submitted to the installation commander; the PO may provide a separate document, in conjunction with a charter, articles of agreement, constitution, or bylaws, which completes all information required by this paragraph.

(ii) Any other documentation that states the PO's nature, functions, objectives (including planned use of funds), and activities.

(2) Application documentation will—
(i) Define membership eligibility. (The majority of membership will be composed of the DOD family.)

(ii) Set forth responsibilities for all management functions. These functions include accountability of assets, coverage and limitation of insurance, and disposition of remaining assets upon breakup of the PO.

(iii) Include a statement of the PO's liability if assets are not enough to cover all PO liabilities. The statement of liability will meet all State and jurisdictional laws; it will also address the extent of PO members' personal liability for debts of, or claims against, the PO. State laws governing the liability of national headquarters of type 2 POs generally apply to all local chapters unless specifically superseded by laws of States where local chapters are established.

(3) To operate on a DA installation, type 2 POs must meet the requirements of both their national headquarters and this regulation.

(c) *Revalidation.* All POs must have their operating permits revalidated every 2 years. Requests for revalidation of operating permits will be submitted to the installation commander 90 days before the current permit expires. The letter of application will request continued operation and will include any major changes in PO activities, objectives, organization, or changes in its constitution, bylaws, and so forth. If revalidation is not obtained, the current permit automatically expires 2 years from the date of last approval. Commanders will establish suspense dates for each PO to seek revalidation and will notify POs of these dates.

(d) *Installation review.* Installation commanders will review all PO documentation for both initial permission to operate and for revalidation of operating permits. Approval will be granted or denied based on this review. Approval of an initial or revalidation request will permit a PO to operate on the installation for 2 years. The installation commander may revoke permission to operate at any time during the 2-year period. Written approval will include a statement freeing the installation from any liability of the PO. Installation commanders' reviews of PO applications will ensure the following:

(1) PO income will not personally profit individual members, except through—

- (i) Salaries as employees of the PO; or
- (ii) Payment for services rendered.

(2) As an exception, the installation commander may authorize an

investment club that satisfies all other provisions of this regulation.

(3) PO income will be used to pay operating expenses; expenses include charitable contributions by the PO and competitive awards to PO members or installation personnel.

(e) *Reporting requirements.* (1) POs will supply the following to the installation commander:

(i) Minutes of PO meetings. POs will submit minutes or summaries of meetings, if required by the installation commander.

(ii) Financial statements. POs with gross annual revenue of \$1000 or more will submit annual financial statements to the installation commander. (The installation commander may require more frequent submission.) Annually, installation commanders will send financial statements of POs whose gross annual revenue exceeds \$100,000 to their major Army command (MACOM).

(iii) A copy of audit reports.

(iv) A copy of tax status, if required.

(v) A copy of correspondence concerning applicability of State or local laws. (See § 556.13.)

(2) Installation commanders will keep a current file on each PO. It will contain the latest copy of—

(i) All reports submitted by the PO, as stated in paragraph (e)(1) of this section.

(ii) The PO's charter, constitution, bylaws, articles of agreement, and so forth. (POs will keep installation commanders informed of changes in officers or points of contact.)

(iii) The PO's request for a permit to operate or for revalidation, and a copy of the installation commander's letter of approval.

(iv) The PO checklist, contained in DA Circular 11-88-1, will be completed per guidance in AR 11-2.

(f) *Termination of PO operation.* A PO may be discontinued by—

(1) The membership; or

(2) The installation commander, who may withdraw permission to operate on the DA installation at any time.

§ 556.15 Recreational and educational POs.

Certain POs may operate on DA installations as extensions of APF or NAF recreational or educational activities. Such POs need not fulfill the procedural requirements of § 556.14, although they are subject to all other provisions of this regulation. The operation of these POs on the installation requires the approval of the installation commander, who will prescribe local guidance for them. Examples of these POs are—

(a) Bowling leagues, little league organizations, and other recreational

POs supervised by the director of community recreation.

(b) Those POs formed and operated in conjunction with installation dependent schools under the administrative supervision of a member of the school faculty. (Examples include, but are not limited to, school drama clubs, yearbook funds, language clubs, National Honor Societies, and Keyettes or Keys.)

§ 556.16 Standardized documentation.

(a) The national constitution, standard bylaws, charter, or articles of agreement of type 2 POs listed in table C-1 have been reviewed by CFSC-AE-P and found to meet all requirements of this regulation. Inclusion in this list does not imply official DA sanction, endorsement, or sponsorship of these POs. National headquarters of other type 2 POs may submit their national constitutions, bylaws, and so forth, for review and possible inclusion in table C-1 by sending a complete copy to Commander, CFSC, ATTN: AE-P, Alexandria, VA 22331-0507. Affiliated chapters of the POs listed in table C-1 may fulfill the requirements of § 556.14(b) by the following procedures:

(1) Local chapters will submit a letter to the installation commander requesting a permit to operate.

(2) The letter will contain—

(i) A statement of the charter's standing with the national organization.

(ii) A statement that the standard chapter bylaws prescribed by the national headquarters have been adopted without change. Any changes made by the local chapter will require review by the installation commander.

(iii) A statement of the intended scope and substance of chapter activities.

(3) Local chapters must also provide a copy of the national constitution, bylaws, charter, or articles of agreement. Installation commanders will use these in reviewing PO operations for compliance with the policies in § 556.8.

(b) While completing procedures in paragraph (a) (1), (2), and (3) of this section satisfies the requirements of § 556.14 (a) and (b) local chapters are still subject to revalidation and reporting requirements as contained in § 556.14 (c) and (e).

TABLE C-1.—TYPE 2 POS WITH DA-REVIEWED BYLAWS

Name of organization	Address of national headquarters	Federal tax exempt
Association of the United States Army.	2425 Wilson Boulevard, Arlington, VA 22201-3326.	Yes.

TABLE C-1.—TYPE 2 POS WITH DA-REVIEWED BYLAWS—Continued

Name of organization	Address of national headquarters	Federal tax exempt
Noncommissioned Officers Association.	International HQ Complex, P.O. Box 33610, San Antonio, TX 78265-3610.	Yes.
United States Army Warrant Officers Association.	P.O. Box 3765, Washington, DC 20007-0265.	Yes.
Society of Logistics Engineers.	303 Williams Avenue, Suite 922, Huntsville, AL 35801-6061.	Yes.
Armed Forces Broadcasters Association.	P.O. Box 12013, Arlington, VA 22209-0013.	Yes.
Veterans of Foreign Wars of the United States.	VFW Building, 406 West 34th Street, Kansas City, MO 64111-0001.	Yes.
Armed Forces Communications and Electronics Association.	4400 Fair Lakes Court, Fairfax, VA 22033-3599.	Yes.
Reserve Enlisted Association of the United States.	P.O. Box 2836, Washington, DC 20013.	Yes.
National Defense Transportation Association.	727 N. Washington Street, Suite 200, Alexandria, VA 22314-1976.	Yes.
American Military Members Association of the United States of America.	8610 Broadway, Suite 217, San Antonio, TX 78217-6354.	Yes.

Figure C-1. Sample of a Format for Bylaws
BYLAWS

ARTICLE I

Organization Name and Purpose

ARTICLE II

General Provisions

(Include all statements required by this regulation such as the statement of personal liability and licensing/registration of activities required by law [for raffles, insurance resale, and so forth]. Any documentation, such as a license or certificate of registration, should be attached and noted in this section.)

ARTICLE III

Policy

ARTICLE IV

Membership

ARTICLE V

Officers and Governing Body

ARTICLE VI

Duties of Officers

ARTICLE VII

Elections and Voting

ARTICLE VIII

Standing Committees

ARTICLE IX

Method of Financing

ARTICLE X

Taxes

ARTICLE XI

Insurance Coverage

ARTICLE XII

Meetings and Quorums

ARTICLE XIII

Activities

ARTICLE XIV

Awards and Gifts

ARTICLE XV

Dissolution

(Include the following paragraph: "If the organization is dissolved, all funds in the treasury at the time will be used to meet any outstanding debts, liabilities, or obligations. The balance of these assets will be disposed of as determined by the membership.")

Approved by Majority Vote on..... (date)

(Signed) _____

President _____

(Signed) _____

Secretary _____

Subpart D—Support and Services

Funding

§ 556.17 Overview.

(a) POs subject to this regulation will be self-sustaining except for limited logistical support that may be granted by installation commanders. (See Logistical Support and Services of this subpart) Funds will be obtained through dues, contributions, service charges, fees, or special assessment of members.

(b) Neither APFs nor NAFs are authorized to transfer any monies or other assets to any PO, including the Boy Scouts and Girl Scouts, by means of contributions, dividends, or other distributions, except as provided by statute. (See section 155, title 10, United States Code (U.S.C.) (10 U.S.C. 115).)

§ 556.18 Resale and fundraising activities.

(a) POs will not engage in on-post resale and fundraising activities unless the installation commander authorizes—

(1) Thrift shop sales of used clothing and used or handcrafted merchandise; net proceeds of such sales will be donated as specified in § 556.18(b)(2)(iii) of this section.

(2) Museum gift shop sales of items related to museum activities per AR 870-20.

(3) Occasional fundraising activities such as dances, car washes, cake raffles, bazaars, or other special events. All POs will comply with State codes requiring licensing for raffles; PO-sponsored raffles will not be permitted in States that prohibit them. Occasional sales for fundraising purposes within the continental United States (CONUS) will offer only the services and merchandise listed in AR 60-20, appendixes B and C.

(b) Exceptions to the continuing resale prohibition may be granted—

(1) By the installation commander as follows:

(i) Sales are restricted to PO members.

(ii) Merchandise sold is related directly to the purpose of the PO.

(iii) The Army and Air Force Exchange Service (AAFES) and other installation NAFIs state in writing an inability to meet the resale requirement.

(2) By major Army commanders as follows:

(i) Sales are not restricted to PO members and merchandise is not directly related to the PO's purpose.

(ii) AAFES and other installation NAFIs state in writing an inability to meet the resale requirement.

(iii) Net proceeds from sales are donated by the PO to—

(1) The installation to support its morale, welfare and recreation (MWR) and other community and family support activities, scholarship funds, or installation hospitals, schools, museums, and so forth.

(2) Local off-post hospitals, museums, libraries, and other community organizations used by, and of direct benefit to, the installation community. (Donations do not include proceeds used to cover the PO's expenses in providing such sales.)

(c) A copy of MACOM approval for such operations will be sent to Commander, CFSC, Attn: AE-P, Alexandria, VA 22331-0507.

Personnel

§ 556.19 Exclusions.

Neither soldiers nor DA employees (APF or NAF) will, as an official duty, be assigned to work for POs.

§ 556.20 Permissive temporary duty (TDY).

Installation commanders may authorize permissive TDY for active duty military personnel to support national Scouting organizations per AR 630-5, paragraph 12-4(e).

§ 556.21 Special events.

Installation commanders may authorize the use of military personnel and APF or NAF civilians to support special events that may benefit POs. The use of such personnel is only to prepare installation facilities and grounds for the event. The following conditions must be met:

- (a) The commander must approve the special event (such as a fair, bazaar, or picnic) to be conducted on the installation.
- (b) The event must benefit or enhance the morale of the installation DOD family.
- (c) The event must be open to all members of the installation DOD family.
- (d) The event must not compete with resale activities of the installation's MWR and other community and family support programs unless authorized, on an exception basis, by the installation commander.
- (e) The event must not state or imply endorsement of a PO or specific commercial goods or services.

Logistical Support and Services**§ 556.22 Overview.**

The amount and type of support authorized for a PO depends on the authority under which the PO is organized.

- (a) For type 1 POs governed by other directives (see § 556.5(a)(1)) support is authorized as stated in those directives.
- (b) For support for all other POs, §§ 556.23 through 556.30 will be followed. (For POs on Army Reserve Centers requesting use of space and facilities, see AR 140-488.)
- (c) Under the provisions of AR 37-60, paragraphs 3-6 and 3-8, installation commanders may waive or reduce charges to nonprofit POs for any of the support elements listed in paragraph 3-3 of that regulation. This applies only to support provided to a PO on an occasional or nonrecurring basis.

§ 556.23 Use of space and facilities.

Most POs require space only for periods of time necessary to conduct regular organizational meetings or for other occasional or nonrecurring PO-sponsored events. Installation commanders may grant use of space to include utilities, in-place equipment, and janitorial supplies used without charge when it is incidental to other uses of the facility. PO use of space is governed by

AR 405-80. Specific provisions are as follows:

(a) *Use of space or facilities under license agreement.* Use may be granted by means of a revocable-at-will license and will be defined as occasional, nonregular, regular part-time, or full-time use of space, and will not contain any of the terms in paragraph (b) of this section. Commanders will determine whether or not the license will be on a rent-free basis. POs have no property rights when use of space is granted under a license agreement. Specifically, such use—

- (1) Entails use of space that may be recalled at any time by the installation commander without prior notice to the PO.
 - (2) Involves no lease agreement between the PO and the installation.
 - (3) Permits storage of equipment and supplies provided that such storage does not interfere with, nor restrict, the normal use of the facility by other users.
- (b) *Use of space and facilities under lease agreement.* Use of space under a lease agreement will be defined as the guaranteed sole use of space or a facility on a full-time basis; guaranteed use of space for a specific period of time; or storage of in-place equipment or supplies that impairs or restricts normal use of the facility by other users. POs have certain property rights when use is granted under a lease agreement. Specifically, such use—

- (1) Guarantees facility use for a specific period of time. Termination of the lease agreement requires a 30-day notice except in times of national emergency.
- (2) Requires a lease agreement between the PO and the U.S. Government. This lease protects the PO's use of the facility based upon other conflicting installation priorities and requirements.
- (3) Requires payment for use of space and facilities under a lease agreement.
 - (i) Rent for use of space in CONUS will be set by the district engineer.
 - (ii) Rent outside the continental United States (OCONUS) will be set by installation commanders per host country Status of Forces Agreements, treaties, or other agreements under which the Army controls such real estate.

(c) *Exceptions.* At the discretion of the installation commander:

- (1) Nonprofit thrift shops and museum foundation POs may be granted use of space by means of a rent-free, revocable-at-will license.
- (2) On-post youth group POs (Scouts, little league, and so forth) may be granted revocable-at-will licenses for one-time, intermittent, or continuing use

of available meeting facilities. (See AR 405-80.)

(d) *Use by veterans' organization.* AR 405-80 authorizes major Army commanders to lend certain real property (including unoccupied barracks) to veterans' organizations for use at—

- (1) State or national conventions; or
- (2) National youth athletic or recreational tournaments sponsored by veterans organizations.

§ 556.24 Equipment.

POs must furnish or procure equipment, supplies, and other materials at their own expense.

(a) Government-owned equipment may be loaned or rented to a PO; however, such equipment must be directly related to the purpose and function of the PO.

(b) APFs and NAFs will not be used to repair equipment owned by, or loaned to, tenant POs unless a request is approved by the installation commander for the PO to reimburse the installation for such repairs.

(c) Audio-visual hardware and software may be used by POs when not in use for official purposes. (See AR 108-2.)

§ 556.25 Transportation.

All transportation support provided to POs will be on a reimbursable basis per AR 58-1, per the provisions of AR 37-60 (see § 556.22) to include all operations and maintenance costs associated with providing this service. The installation commander will ensure that transportation made available to POs neither is detrimental to the command mission nor generates requirements for additional military vehicles. Specific provisions follow:

(a) In CONUS, the commander may authorize reimbursable military bus service in support of PO-sponsored or co-sponsored special events on post, if other conditions of section 556.21 (1) and (b) are met.

(b) At OCONUS locations, military buses may be authorized on a reimbursable basis to support special events conducted at non-military sites.

§ 556.26 Utilities.

All POs will reimburse the installation for utilities except when not required under § 556.22.

§ 556.27 Printing and copying services.

POs may obtain printing or copying services from Government printing plants on a reimbursable basis according to the provisions of § 556.22(c).

§ 556.28 Postal support.

POs will not use appropriated fund postage or the Military Postal Service (MPS) except as shown in table D-1. Questions regarding postal support to POs will be directed to HQDA (MPSA-ZA), ALEX VA 22331-0600.

TABLE D-1.—USE OF APF POSTAGE AND MPS

	AFP	MPS
Type 1—federally sanctioned:		
Organizations.....		
Banks.....	No ¹	Yes. ²
Credit unions.....	No.....	Yes. ²
Labor organizations.....	No.....	Yes. ³
Association of Managers and Supervisors.....	No.....	Yes. ³
United Service Organization.....	No.....	Yes. ⁴
Red Cross.....	No.....	Yes. ⁴
United Seamen's Service.....	No.....	Yes. ⁵
DOD Component relief/aid organizations.....	Yes ⁶	Yes.
Civil Air Patrol.....	Yes ⁶	N/A.
Youth organizations.....	No.....	Yes.
Other type 1.....	No.....	Yes. ³
Type 2—affiliated.....	No.....	Yes. ³
Type 3—Independent:		
All type 3 POs.....	No.....	Yes. ³

NOTES:

1. Only when using APF postage of the overseas U.S. Army Central Finance and Accounting Office for currency shipments to CONUS. Shipments within the overseas theater will include the words "DOD Official Intra-theater Mail" where the postage normally would be placed.

2. Use of MPS is authorized outside CONUS only where there is no U.S. Postal Service (USPS). Use will be limited to transactions arising from official operations for the benefit of the military installations and their personnel. All such mail entered into the MPS will bear proper postage.

3. MPS privileges are authorized outside CONUS only as follows: Where there is no USPS; if existing MPS facilities and personnel of the command permit; if the major overseas commander determines, and the MPS agency concurs, that local civil postal service is inadequate; and if the host government does not object.

4. Use of MPS is authorized outside CONUS only where there is no USPS.

5. When a U.S. Army organization is acting on behalf of these organizations.

6. Use of USAF indicia authorized per HQ USAF (AF/DAAC(S)).

§ 556.29 Other services.

POs may not use installation auditing, data processing, financial management, legal, purchasing, or other similar services. POs must obtain such support at their own expense, except in those instances when necessary for the installation commanders to perform their oversight responsibilities.

§ 556.30 Type 2 POs operating overseas.

Limited logistical support specified in AR 700-32 may be provided, on a reimbursable basis, to type 2 POs that are chartered to provide programs relating to the religious, social, welfare, and educational needs of active duty military personnel and their family members.

(a) Subject to Status of Forces or other country-to-country agreements, such support may include:

(1) Transportation services on a reimbursable basis.

(2) Commissary and exchange privileges.

(3) Armed forces postal services overseas (DODD 4525.6).

(4) Hospitalization, medical, and dental care on a reimbursable and space available basis, as determined by the medical treatment facility commander.

(5) Recreational facilities.

(6) Dependents' schools on a reimbursable and space-available basis.

(7) Utilities for facilities used in providing services to armed services personnel.

(8) Military banking facilities (MBFS) operated under DOD contracts.

(b) Before additional support is provided, the following is required:

(1) Local chapters in overseas areas must submit an application to the installation or community commander where they have been given permission to operate. The application will state specific support elements desired with reasons why the PO considers such support to be appropriate. If accepted, the local commander will endorse and forward the application to the MACOM.

(2) The endorsement will cite the services, programs, and activities being received from the PO that warrant special consideration for the PO; that the additional support authorized can be provided; and an estimate of the additional or nonroutine costs for providing that support.

(3) Application will be processed through command channels to CFSC-AE-P and will be evaluated at each level. If appropriate, HQDA will forward the application to the Office of the Secretary of Defense (OSD), which may enter into a Memorandum of Understanding (MOU) with the local PO's national headquarters.

(4) When finalized, the MOU will detail the maximum level of support to be extended to all of the affiliated chapters, regardless of overseas locations. Support will not be provided until HQDA notification of approval and implementing instructions are provided to MACOMs concerned.

Subpart E—Participation in Activities of Private Organizations (Associations)

§ 556.31 Scope.

(a) This chapter specifies policy for official participation by DA agencies, commands, and personnel in the activities of private organizations, societies, and associations, including

technical and professional societies that operate on- or off-DA installations.

(b) The following provisions do not apply to DA military or civilian personnel participating in POs as individuals, acting outside their official capacity as employees of the Federal Government. Such membership or participation is permissible as long as it complies with laws (including the Hatch Act and the Anti-Lobbying Act) and regulations that prohibit soldiers and civilian employees from engaging in activities inconsistent with their Federal employment. (See AR 600-50.)

§ 556.32 Limitations.

(a) Participation will be limited to the extent of DOD interest involved.

(b) The favoring of one organization over another will be avoided.

§ 556.33 Official participation in POs.

(a) The following situations will be avoided:

(1) Unauthorized membership in a PO by the United States or its representatives. (See 24 Comp. Gen. 814; 31 Comp. Gen. 398; 32 Comp. Gen. 15.)

(2) Participation in the management and control of POs, in an official capacity, without congressional authorization.

(3) Participation in the determinations or conclusions of POs so as to suggest compliance by the Government without subsequent responsible administrative authority or congressional authorization.

(4) If doubt exists as to whether membership of an agency is authorized in a particular PO, the case should be referred to HQDA (DAJA-AL) WASH DC 20310-2212 prior to acceptance of membership.

(b) DA agencies may participate in activities of POs in the discussion of matters of mutual interest, subject to AR 600-50 and otherwise consistent with law, including anti-trust laws and laws relating to national security. An agency representative may vote verbally or in writing on issues presented for a vote, provided it is made clear to the PO that such vote indicates no more than the opinion of that representative. No vote so cast will be considered to bind DA or any DA agency, in any way, to a particular present or future course of action.

(c) DA military and civilian personnel will not accept an honorary office or honorary membership in any trade or professional organization that includes in its membership business entities that are engaged in, or are attempting to engage in, providing goods and services to a component of DOD, including its NAFIs. An honorary office includes any

office, whether termed honorary or not, when the selection for that office is on the basis of an official DA position or assignment.

§ 556.34 Permissive TDY.

Permissive TDY for the attendance of military and civilian personnel at PO meetings will be per AR 1-211.

Appendix A to Part 556—References

Required Publications. A required publication is a publication which the reader must have in order to understand the publication.

AR 1-211

Attendance of Military and Civilian Personnel at Private Organization Meetings. (Cited in § 556.34.)

AR 37-60

Pricing for Materiel and Services. (Cited in § 556.22(c).)

AR 56-1

Management Acquisition and Use of Administrative Motor Vehicles (Cited in § 556.29.)

AR 60-20

Army and Air Force Exchange Service (AAFES) Operating Policies. (Cited in § 556.18(a).)

AR 405-80

Granting Use of Real Estate. (Cited in § 556.23.)

AR 600-20

Army Command Policy and Procedures. (Cited in § 556.9(d).)

AR 600-50

Standards of Conduct for Department of the Army Personnel. (Cited in §§ 556.6(c), 556.9(d) and 556.31.)

AR 700-32

Logistic Support of United States Nongovernmental, Nonmilitary Agencies and Individuals in Overseas Military Commands. (Cited in § 556.30.)

AR 870-20

Museums and Historical Artifacts. (Cited in § 556.18(a).)

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 1-100

Gifts and Donations.

AR 11-2

Internal Control Systems.

AR 108-2

Army Training and Audiovisual Support.

AR 140-488

Licenses to Use Army Reserve Facilities.

AR 190-30

Military Police Investigations.

AR 210-24

Credit Unions.

AR 210-135

Bank and Credit Unions on Army Installations.

AR 215-1

Administration of Army Morale, Welfare, and Recreation Activities and Nonappropriated Fund Instrumentalities.

AR 215-2

The Management and Operation of Army Morale, Welfare and Recreation Programs and Nonappropriated Fund Instrumentalities.

AR 360-61

Community Relations.

AR 630-5

Leave and Passes.

AR 700-83

Army Support of United Seamen's Service.

AR 930-1

Army Use of USO Services.

AR 930-4

Army Emergency Relief.

AR 930-5

American National Red Cross Service Program and Army Utilization.

AFR 46-6

Support for Civil Air Patrols.

DODI 1000.15

Private Organizations on DOD Installations.

DODD 5500.2

Policies Governing Participation of Department of Defense Components and Personnel in Activities of Private Associations.

DODD 5500.7

Standards of Conduct.

DODD 4525.6

Single Manager for Military Postal Service.

Appendix B to Part 556—Classification system for private organizations by type and subtype.

(The list is not inclusive.)

B-1. Types of private organizations

- a. Type 1—federally sanctioned.
- b. Type 2—affiliated.
- c. Type 3—independent.

B-2. Subtypes of private organizations

- a. Financial institutions.
- b. Community services, fraternal/benevolent.
- c. Labor-management organizations.
- d. Sports, hobbies, crafts.
- e. Distaff service organizations.
- f. Youth groups.
- g. Professional, scientific, and management.
- h. Religious groups.

B-3. Examples of private organizations by type and subtype

- a. Type 1—federally sanctioned. Subtypes are—

- (1) Financial institutions.
- (i) Banks.
- (ii) Credit unions.
- (2) Labor-management organizations.
- (i) Labor organizations.

(b) Association of managers and supervisors.

(3) Community service.

(i) USO.

(ii) Red Cross.

(iii) United Seamen's Service.

(iv) Component relief/aid organizations.

(4) Youth groups.

b. Type 2—affiliated. Subtypes are—

(1) Professional, scientific, and management.

(i) Engineering or scientific fraternities.

(ii) Associations of active duty personnel.

(iii) Nurses' guilds.

(iv) Financial management associations.

(v) Personnel management organizations.

(2) Sports, hobbies, crafts.

(i) Affiliated hobby/craft groups.

(ii) Sports Officials' Association.

(3) Community service.

(i) Veterans organizations.

(ii) Parent Teachers Association.

(iii) Surviving spouse/parent organizations.

(iv) Ethnic group affiliations.

(v) Reserve and retired associations.

(vi) Affiliated community service clubs.

(4) Religious groups.

(i) Altar guild society.

(ii) Guilds.

(iii) Religious youth organizations.

(5) Youth organizations.

(i) Junior Army Navy Guild Organizations

(JANGO)

(ii) 4-H Clubs.

(iii) Scouting organizations.

(iv) Little league.

(6) Other affiliations.

c. Type 3—independent. Subtypes are—

(1) Sports, hobbies, and crafts.

(i) Model clubs.

(ii) Stamp, coin, other collectors.

(iii) Theater and dance guilds.

(iv) Fish and game clubs.

(v) Golf leagues.

(vi) Bowling leagues not affiliated with

national organizations. (Note: DOD has waived requirement for nationally affiliated bowling leagues to become private organizations under this regulation.)

(vii) Investment clubs.

(2) Youth organizations.

(i) Contemporary age clubs (teens, and so forth).

(ii) Youth sports/recreation clubs.

(3) Professional, scientific, management.

Local, independent, unaffiliated organizations.

(4) Community service.

(i) Thrift shops.

(ii) School booster clubs.

(iii) Local ethnic groups.

(iv) Museum associations and foundations.

(v) Social problem study groups.

(5) Auxiliary organizations.

(i) Spouses' or wives' clubs (may include

thrift shop operations).

(ii) National origin clubs.

(6) Religious, Local, independent,

unaffiliated organizations.

Glossary

Abbreviations

AAFES. Army and Air Force Exchange Service

ACS. Army Community Services

AFR. Air Force Regulation
 APF. Appropriated funds
 CFSC. U.S. Army Community and Family Support Center
 CONUS. Continental United States
 CPR. Civilian Publication Regulation
 DA. Department of the Army
 DCSPER. Deputy Chief of Staff for Personnel
 DOD. Department of Defense
 FPM. Federal Personnel Manual
 HQDA. Headquarters, Department of the Army
 IRS. Internal Revenue Service
 MACOM. Major command
 MBFS. Military banking facilities
 MOU. Memorandum of Understanding
 MPS. Military Postal Service
 MWR. Morale, welfare and recreation
 NAF. Nonappropriated funds
 NAFL. Nonappropriated fund instrumentality
 OCONUS. Outside the continental United States
 OSD. Office of the Secretary of Defense
 POs. Private Organizations
 SJA. Staff Judge Advocate
 TDY. Temporary duty
 USPS. United States Postal Service

Terms

Audit. An official examination, verification, and correction of account books that shows the financial status of a PO.

DA installation. A location, facility, or activity assigned to, owned, leased, controlled, or occupied by DA.

DOD family. A group consisting of—
 a. Active duty military personnel.
 b. Retired military members.
 c. Members of Reserve Components.
 d. Family members and surviving spouses of personnel in a. through c. above.
 e. Local DOD civilian employees.

4. Other civilians as authorized by major commanders and installation commanders.

Double entry accounting system. A system in which both elements of each transaction (debits and credits) are—

- a. Recorded separately, and
- b. Recorded during the period of occurrence.

Gross annual revenue. The total revenue of a PO, which includes income from—

- a. Sales of goods and services.
- b. Membership assessments or dues.
- c. Contributions and donations.
- d. Interest.

Investment club. A membership that pools stated amounts of funds to invest in stock or other securities. Usually, group members pledge a regular amount to be paid into the club on a scheduled basis, for example, monthly and annually. Some clubs have a committee that gathers information on securities, selects the most promising, and recommends that the club invest in them. Other clubs rotate the investigatory responsibilities among all their members. Most require all members to vote for or against all investments, sales, exchanges, and other transactions.

Nonappropriated fund instrumentality. An integral DOD organizational unit that performs an essential Government function. It acts in its own name to provide, or assists other DOD organizations in providing, MWR programs for military personnel and authorized civilians. It is established and maintained individually or jointly by the secretaries of the military departments. As a fiscal entity, it maintains custody of and control over its NAFs and contributes to the MWR programs of organizational entities. It is not incorporated under the laws of any State or the District of Columbia. It enjoys the legal status of an instrumentality of the United States.

Nonappropriated funds. Cash and other assets received by NAFIs from sources other

than monies appropriated by the Congress of the United States.

Private organization. A self-sustaining, non-Federal entity constituted or established and operated by individuals acting outside any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities. It may be incorporated or unincorporated. It may operate on or off DA installations; however, to operate on-post, the private organization must have the written consent of the installation commander or higher authority.

Qualified auditor. An auditor qualified to hold grade UA/CS 9 (or local national equivalent grades) or above in civilian job series 510 or 511, or public accountant or certified public accountant licensed by a State or other recognized licensing jurisdiction.

Single entry accounting system. A simple system of recording transactions on a cash basis. No inventories or accounts receivable or payable are kept. (Often called a combination journal system.)

Status of forces agreement. International agreement which defines status of guest forces while on the territory of the host country.

Index

References are to paragraph numbers except where specified otherwise. Definitions of technical terms are found in the Glossary.

AAFES, Section 556.18
 Alcoholic beverages, Section 556.8
 Boy Scouts, Sections 556.17, and 556.23
 Charitable contributions, Section 556.17
 Donations, Section 556.18
 Property acquisition, Section 556.7
 Raffles, Sections 556.13 and 556.18
 Rent, Section 556.23

[FR Doc. 90-15140 Filed 6-28-90; 8:45 am]

BILLING CODE 3710-08-M

Forest Land Federal Register

Friday
June 29, 1990

Part XII

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Fish and Wildlife Service

50 CFR Part 100

Temporary Subsistence Management
Regulations for Public Lands in Alaska;
Final Temporary Rule

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

RIN 1018-AB43

Temporary Subsistence Management Regulations for Public Lands in Alaska**AGENCY:** Forest Service, USDA; Fish and Wildlife Service, Interior.**ACTION:** Final temporary rule.

SUMMARY: This rule provides temporary regulations implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The Alaska Supreme Court recently ruled that the law used by the State of Alaska to provide the subsistence priority required by Title VIII violated the Alaska Constitution. The court's action placed the State out of compliance with Title VIII. Since the State has been unable to return to compliance with Title VIII, the Federal government is required to take over the implementation of Title VIII on public lands.

EFFECTIVE DATE: July 1, 1990.

This rule will go into effect on July 1, 1990, unless, prior to that date, the State of Alaska extends its authority to continue to comply with 16 U.S.C. 3115(d). Once effective, the rule will remain in effect until December 31, 1991, unless the State reestablishes its authority to comply with the 16 U.S.C. 3115(d) and a notice suspending these regulations is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Glenn Elison, Assistant Alaska Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3469. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, Forest Service, USDA, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION:**Background**

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to implement a joint program to grant a

preference in favor of subsistence uses of fish and wildlife resources on public lands unless the State of Alaska implements a subsistence program consistent with ANILCA's requirements. The State implemented such a program which the Department of the Interior found to be consistent with ANILCA. In December 1989, however, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute, which is required by ANILCA, violated the Alaska Constitution. The Court stayed the effect of the decision until July 1, 1990.

As a result of that decision, the Department of the Interior and the Department of Agriculture (Departments) will be required to take over the implementation of Title VIII of ANILCA on public lands. The Fish and Wildlife Service (Service) was delegated the lead responsibility for developing a contingency plan to fulfill the Federal government subsistence responsibilities. Five departments within the Federal government are responsible for management of lands covered by Title VIII. All departments cooperatively developed these regulations. Because these regulations relate to lands managed by agencies in both the Departments of Agriculture and the Interior, identical text is hereby incorporated into 36 CFR part 242 and 50 CFR part 100.

These temporary rules impact the subsistence uses of fish and wildlife resources on public lands in Alaska managed by the Fish and Wildlife Service, National Park Service (NPS), Bureau of Land Management (BLM), USDA-Forest Service (USFS), Bureau of Indian Affairs (BIA), Air Force, Army and various other Federal land managing agencies.

On April 13, 1990, a Notice of Intent to Propose Rules was published in the Federal Register (55 FR 13922). Seventy-two written comments were received and taken into account in preparing the proposed temporary rule. On June 8, 1990 the proposed temporary regulations were published in the Federal Register (55 FR 23522) which solicited comments from the public. Because of the short time available, the opportunity for public review and comment was limited. The Fish and Wildlife Service received 152 oral and written comments in response to the proposed temporary regulations. All of these comments were taken into account in preparation of this final temporary rule.

Given the short time frame to prepare this final temporary rule, and in anticipation of the State returning to compliance with Title VIII, these

temporary regulations establish a Federal program that minimizes change to the State's program consistent with meeting the Federal government's responsibilities under Title VIII. To do otherwise would be extremely disruptive to subsistence users and create unnecessary chaos if and when the State is able to bring its subsistence program back into compliance with ANILCA. The various seasons and bag limits in effect under the State system were reviewed by the various Federal land managers. Limited changes to existing State seasons and bag limits were made. Should the Federal government be required to retain management responsibility beyond this year, changes to the seasons and bag limits will be considered according to the procedures set forth in § _____.16 of the regulations. Thus the Departments of Interior and Agriculture conclude that good cause exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedures Act to make these regulations effective upon publication in the Federal Register.

These temporary regulations will remain in place until December 31, 1991, or until the State brings its subsistence program back into compliance with ANILCA, whichever comes first. The development of permanent regulations, which is expected to start in 1990, will involve extensive public interaction and comment throughout the regulations development process, and will be completed by December 31, 1991.

Summary of Comments

The June 8, 1990 proposed temporary regulations solicited comments for 10 days on the issues addressed therein (55 FR 23522). Public meetings were held in Anchorage, Fairbanks, Juneau, and Bethel, Alaska. There were 103 total oral comments given at the meetings, and the Service received an additional 49 written comments.

Analysis of Comments**General Comments****(a) Public Involvement**

Many comments were received that stated there should have been more public participation in developing the regulations for Federal subsistence management, that the comment period was much too short, and that more public meetings should have been held in rural communities.

Certainly more public involvement would have been desirable and valuable, and under normal circumstances would have occurred; but the time frame to develop a Federal

subsistence management program was very limited. State management of subsistence expires June 30, 1990. In the normal course of developing Federal programs, substantial internal discussion and staff work is required before public involvement can occur effectively. Consequently, the public involvement period was short. During the development of these regulations, comments were solicited when the Notice of Intent was published on April 13, 1990 and again when the proposed regulations were published on June 8, 1990. For both documents, a comment period of ten days was provided. Public meetings were held in major population centers statewide. Because these are temporary regulations, a detailed public involvement process will take place soon with the development of the permanent regulations.

(b) Alaska National Interest Lands Conservation Act

Several people commented that they felt the ANILCA subsistence preference for rural residents of Alaska was unconstitutional and objected to the establishment of these regulations which allow for rural subsistence priority. Several comments called for an amendment to ANILCA.

The Departments of the Interior and Agriculture have no authority to make such an interpretation since the rural priority is a provision of Federal law. Until such time as the law is changed, the Federal government must provide a subsistence priority to rural Alaskan residents for use of fish and wildlife resources on public lands.

Some people commented that they felt Title VIII of ANILCA was "Indian legislation" and any ambiguity must be resolved in a way that protects the Natives' subsistence uses. While Title VIII notes the importance of subsistence to Natives, it similarly notes the importance of subsistence to all rural Alaskans. Sections 803, 804, and 805 of Title VIII are racially neutral. That racial neutrality is therefore reflected in these regulations.

There were a number of comments on both sides of the issue of State of Alaska management of fish and wildlife resources. There were comments advocating "State's rights"; the State should manage all fish and wildlife resources, and the State Constitution should not be amended to provide for a rural subsistence preference. Other commenters were opposed to a rural subsistence preference regardless of whether it is State or federally managed.

On the other side of the issue, there were comments that amending the State Constitution to be in compliance with

ANILCA should be a top priority to avoid Federal management. Others feared that without a rural subsistence preference managed by either the Federal Government or the State, the subsistence lifestyle in Alaska would be jeopardized.

ANILCA mandates a priority for subsistence uses by rural residents on public lands. As long as the State of Alaska can administer this priority, the Federal Government believes it is preferable to have such management responsibility lie with the State. The temporary subsistence management regulations were written as a temporary measure in anticipation that the State will take the steps necessary to reassume subsistence management on public lands.

Additional comments were received expressing concern that the mandate of ANILCA to place a priority on subsistence use over sport and commercial use will not be implemented through Federal management.

Implementation of ANILCA, including the subsistence priority, is the responsibility of the Federal Government on public lands. The Departments of the Interior and Agriculture will implement title VIII by providing priority to subsistence use on public lands.

(c) Other Federal Laws and International Treaties

Comments were received that the regulations need to be in compliance with the Marine Mammal Protection Act (specifically regarding seals) as well as all international treaties.

As stated in § 23(n) of these regulations, the subsistence harvest of seals and other marine mammals will be subject to the provisions of the Marine Mammal Protection Act, as amended, and its implementing regulations. In addition, subsistence management under these regulations will comply with all relevant international treaties, such as those regarding halibut and migratory birds.

Subpart A—General Provisions

(a) Definition of Public Lands

There were many comments on the exclusion of navigable waters from the definition of public lands. Some comments regarding the exclusion of State-selected and Native-selected lands in the definition were received also. There was a great deal of concern that the exclusion of navigable waters eliminated the majority of subsistence fishing, critical to the well being of rural communities. Some concerns were expressed also that the sport take of

migratory species on State lands affects their numbers for subsistence purposes on public lands.

The United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands. Navigable waters are those waters used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The scope of these regulations is limited by the definition of public lands in section 102 of ANILCA. Lands validly selected by the State or Native corporations are therefore excluded from this public lands definition.

(b) Adoption of State Regulations

There were comments on both sides of the issue of adopting State regulations for Federal subsistence management. A number of commenters said the Federal government should not automatically adopt the State regulations, while others advocated working closely with the State and adopting existing regulations.

In view of the uncertainty over the resumption of State management of subsistence, a major objective of the Federal program has been to minimize disruption to Alaskans and the State's continuing fish and game management, yet still fulfill the requirements of Title VIII. These regulations use existing State of Alaska regulations relevant to subsistence management as much as possible. The majority of seasons and bag limits and methods and means of harvest regulations in subpart D are very similar or identical to the current State regulations. State regulations promulgated prior to the effective date of the McDowell decision are presumed to fulfill the Title VIII requirements since the State's program was considered to meet the general applicability requirements of Section 805(d) of ANILCA. The relatively few changes made were to adapt the State regulations to address public lands or to conform to legal requirements, such as direction received from recent court rulings. Some changes were made in subsistence bag limits or seasons after a review revealed that existing State regulations may not provide adequate opportunity for subsistence use on public lands by rural residents.

(c) Community Season and Bag Limits

There were a number of comments advocating that the Federal government should establish community bag limits for subsistence take rather than adopt

the State's program of having only individual bag limits. There was also a concern about taking into consideration harvest for contribution to community ceremonial events.

The issue of community season and bag limits is an important issue. To address this issue requires more time, public involvement and information than was available during the development of these regulations. Community season and bag limits and ceremonial uses, e.g., funeral potlatches, will be addressed during development of permanent regulations and subsequent annual adjustments to subsistence use regulations. In addition, the Federal Government does not believe that the McDowell decision eliminated the State's ability to provide fish and wildlife for funeral potlatches.

Subpart B—Program Structure

(a) Contract with Native Corporations

Comments were expressed on both sides of the issue of contracting with non-governmental entities to help administer the subsistence management program. Most of these comments dealt specifically with the possibility of contracting with Native organizations pursuant to Public Law 93-638. Some of the comments received were in opposition to contracting with Native organizations, while others requested that Native organizations be considered as potential contractors.

Contracting is an administrative mechanism and option for accomplishing parts of the management program established by the regulations. Therefore, contracting is not addressed in these regulations. Federal agencies soon will be considering whether or not to contract certain subsistence management responsibilities to non-Federal organizations. If the decision is made to contract, the agencies must then decide which Federal subsistence management responsibilities to contract. Announcements of contract opportunities will be made publicly, if and when funds are available and decisions are made that contracting is the best mechanism to implement aspects of the subsistence management program.

(b) Local/Village/Regional Management of Fish and Wildlife

Some commenters recommended that the regulations provide for local, village, or regional management of fish and wildlife resources with Federal oversight.

ANILCA mandates that local rural people with knowledge of the conditions and requirements have a meaningful

role in the management of fish and wildlife and of subsistence uses on the public lands. That role is provided through regional advisory councils and local advisory committees.

(c) Administrative Structure

There were a great many comments on the administration of the subsistence management regulations. Many commenters advocated subsistence user representation on the Federal Subsistence Board, as well as election of this board. Other commenters expressed displeasure with the current council and committee make up and advocated a revised local/regional advisory council system.

Federal management of subsistence uses on the public lands requires an administrative structure be established to execute the Federal governments subsistence responsibilities under Title VIII. The Federal Subsistence Board (Board) is the representative of the Secretaries of Interior and Agriculture. The Board executes their responsibilities. Empowering the key Federal land managing officials, which are responsible for implementation of Title VIII, on-the-ground is believed to be the best mechanism for implementing these temporary regulations. Subsistence users' input into the process of managing subsistence on public lands is through input to, and membership on, the Regional and Local Advisory Councils and Committees. When permanent regulations are developed further consideration will be given to how the members of the Regional Advisory Councils and Local Advisory Committees are selected.

The existing State advisory system has broad responsibilities for dealing with subsistence take and uses as well as sport and commercial take statewide. These regulations require the Secretaries to review the existing resource regions, regional advisory councils and local advisory committees to determine their adequacy to fulfill the functions outlined in Section 805. This will be accomplished by December 31, 1991. If the Secretaries determine that the resource regions, Regional Advisory Councils or Local Advisory Committees are inadequate to fulfill the functions outlined in Section 805, these regulations empower the Board to establish a system of Councils and Committees, which are focused on subsistence uses specific to public lands. Public comment and participation will occur throughout the process of making the Secretaries' determination, and any subsequent actions as a result of the determination. Establishment of Councils and Committees by the Board will occur

within 12 months after the date of the Secretaries' determination if they determine that the existing regional councils or committees are inadequate to fulfill the functions in Section 805.

(d) Definition of "Healthy" Population

All comments received were in favor of maintaining healthy fish and wildlife populations, though some wanted the Federal Government to define "healthy" populations to be the same as the State's sustained yield principles or conform to requirements of Title VIII of ANILCA for the "continued viability" of such populations. Other general comments pointed out that wildlife populations are cyclic and thus uncontrollable to a large extent and that healthy populations of fish and wildlife are needed to prevent food scarcity in parts of rural Alaska.

The term "healthy populations of fish and wildlife" appears in Title VIII of ANILCA as the standard against which subsistence uses are to be regulated and fish and wildlife are to be managed. Since this term appears in Federal law, it is used instead of the State's term "sustained yield."

In practice, managing by either concept frequently produces similar conclusions about levels of fish and wildlife. Healthy fish and wildlife populations will ensure continued viability of a species. The cyclic nature and recovery patterns of certain fish or wildlife populations have become better known through past and ongoing research in Alaska. Knowing more about these resources should allow for sound management decisions resulting in healthy fish and wildlife population available for subsistence uses by rural Alaskans.

(e) Customary and Traditional Issue

(1) Comments were received that the proposed regulations should follow customary and traditional harvest seasons and patterns with those being designed to match as closely as possible the customary and traditional lifestyles of rural Alaskans, including accommodation of any religious use of fish and wildlife. Some commenters more generally that customary and traditional use should be judged by looking at prior cultural patterns of fish and wildlife use and that any decisions involving customary and traditional use should protect rural lifestyles and culture. Others stated that a subsistence priority should be given for customary and traditional uses of fish and wildlife on public lands. Some commenters would restrict the subsistence priority only to those persons using "traditional means," such as no use of aircraft, power boats,

high-powered guns, snow machines, or other technological advances. Others pointed out that the use of technological means is not the central issue; instead it is a matter of the continuity of traditional cultural patterns found in rural Alaska. Other commenters wrote in either support or opposition to restrictions about landing aircraft and shooting wildlife. Some commenters felt the State had not provided for customary and traditional uses in certain parts of Alaska, such as the Southeast and hoped that the Federal Government could correct the situation before returning management to the State.

As noted previously, the intent of these temporary regulations is to provide for the subsistence priority for rural Alaskans as required by ANILCA. Given the short time frame to prepare and implement these regulations existing State determinations of customary and traditional use were adopted. The State's customary and traditional determinations will be reviewed, as necessary, by December 31, 1991, by the Board. This review could include consideration of prior cultural patterns wherein traditional harvest seasons and patterns would be evaluated for possible changes to recent State seasons or bag limits. Also, any issues concerning customary and traditional religious use of fish and wildlife would be relevant for formal consideration, as would a wide range of other potential issues. Overall, the intent of the Federal program is to be sensitive to the customary and traditional patterns for subsistence use of fish and wildlife by rural Alaskans, meaning that Federal decisions related to this matter would try to reasonably accommodate any such use patterns. Various provisions within Title VIII of ANILCA generally allow for most types of modern or technologically advanced forms of transportation and harvest equipment on most public lands (with some exceptions for certain conservation units). These allowances made by ANILCA will continue.

(2) A wide range of comments was received related to the issues of rural designation and qualification for a subsistence preference. Some commenters preferred using population density, lifestyle, or income levels alone rather than community population for guiding rural versus non-rural determinations. Others would include urban Natives or all Alaskan residents as qualifying for a subsistence preference. Still others would restrict subsistence uses to only those persons

who practiced such uses at some prior time, such as "before the oil boom."

Other commenters felt that the proposed regulations were either inadequate, too liberal, too restrictive, or otherwise violated Federal law. Some commented, hoping that certain specific communities would be considered "rural," either continuing the State's prior designation or hoping that the Federal government would change a prior State non-rural designation. Another commenter did not understand what a rural community or area is. An additional comment urged consultation with the State in developing specific criteria to be used for determining rural and non-rural status, especially for communities with populations between 2,500 and 7,000.

As noted in § 15(b) of these regulations, population is used as a preliminary determinant in rural determinations. Community characteristics can modify the preliminary determination. These characteristics may include development of services and infrastructure, use of fish and wildlife as well as other indicators. Under ANILCA, a subsistence priority on Federal lands is to be provided only to rural Alaska residents regardless of ethnic background, meaning that Natives and non-Natives in rural areas only will receive this preference. These regulations follow the requirements of ANILCA without violation of other Federal laws or international treaties, as previously noted.

Due in part to the short time frame to prepare these regulations and to minimize public confusion, the prior State determinations of rural are adopted temporarily. As noted in § 15(b) of the regulations, the Federal Subsistence Board will review all such existing determinations no later than December 31, 1990, and shall determine the rural or non-rural status of all areas or communities in Alaska. Such communities or areas so designated as rural will be afforded a subsistence preference. The Federal Subsistence Board will consider all appropriate input from all sources, including the State of Alaska, related to criteria for determining rural or non-rural status and subsequent rural or non-rural determinations.

(3) Comments were received that the proposed regulations did not take into account barter and customary trade. Other commenters said that the Federal definition of customary trade found in the proposed regulations was either too restrictive or not restrictive enough in allowing commercial enterprise. Still

another comment questioned restricting customary trade to that which existed prior to ANILCA.

Sections 4(c) and 4(f) of these regulations address barter and customary trade, respectively, with both allowable under the definition of subsistence uses in § 4(t). The definition of customary trade related to subsistence uses is consistent with Senate Report 98-413, which noted that customary trade was not to be used for the establishment of "significant" commercial enterprises. This language is prospective. It means no new significant commercial enterprise is to be established after the passage of ANILCA, under the guise of subsistence. The restriction limiting the types and volumes of customary trade to those which existed prior to ANILCA is consistent with the ANILCA and the Senate report. Further, section 803 of ANILCA is not interpreted under these regulations to prevent trappers from selling furs taken on public lands as a subsistence activity.

(f) Closures

Many comments were received expressing concern that the temporary regulations do not allow for temporary closure of areas to sport and commercial harvest without closure to subsistence take as well.

These regulations do allow for such closures. Section 17(b) states, "In an emergency situation, the Board may direct immediate closure of public lands to any or all hunting or fishing, including subsistence take." The word "any" in this section allows the Board to close an area to sport and/or commercial harvest while allowing subsistence harvest to continue.

Subpart C—General Provisions

(a) Permits/Licenses

A number of commenters opposed the requirement for any kind of permit system, especially requiring individuals to obtain permits to use fish and wildlife resources. Commenters also objected to the requirement for State permits and licenses for subsistence take on public lands.

The intent of these regulations is to minimize Federal permit requirements. Where State and Federal season and bag limit regulations vary, Federal permits may be required to ensure that adequate subsistence opportunity is provided to rural residents while ensuring healthy fish and wildlife populations. Clarifying language has been added to the preamble.

Subpart D—Subsistence Hunting, Trapping and Fishing

(a) Halibut

There were a number of comments advocating that halibut be included for subsistence take.

Subsistence fishing for halibut is not authorized under the convention between the United States and Canada for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, as amended, or by the National Marine Fisheries Service in 50 CFR part 301.

(b) Other Comments

Several general comments were expressed on a limited basis by a few people. These comments included such topics as the need for compliance with the National Environmental Policy Act; the need to shift priorities to adequately enforce the new regulations; the need to publish seasons and bags, maps of Federal lands, addresses and locations of all management offices; the need for more conservation, education, and so forth.

The Federal government appreciates these comments and will consider them in the implementation of these regulations and the development of permanent regulations.

Special Issues

The following discussion addresses specific issues or sections of the proposed temporary regulations which may be particularly confusing, controversial, require additional explanation, or elaboration of intent.

The Federal Government intends to minimize disruption to traditional State regulation and management of fish and wildlife. A high level of coordination and cooperation between the State and Federal regulatory programs is anticipated. These temporary regulations represent the provisions necessary for the Secretaries to fulfill their responsibilities for subsistence pursuant to ANILCA Title VIII, in the event conflicts arise between the State and Federal programs. If the coordination and cooperation between the State and Federal regulatory programs are realized, then many of the regulatory tools contained herein will need to be used seldom or not at all.

A Memorandum of Understanding (MOU) will be developed with the State. The MOU will address the mechanics of how the State and Federal programs will interact and coordinate. Through the MOU, the Federal program will minimize disruption to the State's regulatory program while still meeting

the Secretary's responsibilities under Title VIII.

Section —.3, Applicability and Scope. Subsistence uses are not authorized in Glacier Bay National Park, Katmai National Park, Kenai Fjords National Park, of those portions of Denali National Park originally reserved as Mt. McKinley National Park. Consequently, the prohibition of subsistence uses in those areas is clarified in § 100.3/242.3 of these regulations.

Section —.4(e), Customary Trade. Customary trade is included in ANILCA as part of the definition of subsistence uses. It is the intent of these regulations, and consistent with U.S. Senate Report No. 96-413, that customary trade not be used for the establishment of significant commercial enterprises under the guise of subsistence uses. The regulations allow for those types and volumes of customary trade of subsistence resources which existed prior to ANILCA passage. In addition, the regulations pertaining to subsistence fishing require prospective buyers and sellers of subsistence-taken fish, their parts, or their eggs to obtain a customary trade determination from the Board prior to the purchase or sale (§ —.24(d)(4)).

Section —.4(n), Public Lands. Title VIII applies to public lands, which are defined in section 102(3) of ANILCA. Lands validly selected by the State or Native corporations formed under the Alaska Native Claims Settlement Act are excluded from the public lands definition in section 102(3).

About 29.1 million acres will be conveyed to fill State and Native Corporation entitlements. However, nearly 60 million acres have been selected by the State and Native Corporations. This means approximately 31 million acres of land are over-selected and therefore will not be transferred, and will become "public lands" as defined in section 102(3) after final adjudication. Although section 906(o) of ANILCA states that Federal agencies manage both Native-selected and State-selected lands, until transferred, the Departments consider the section 102(3) public lands definition to be controlling.

Navigable waters generally are not included within the definition of public lands. Navigable waters are those rivers, streams, lakes, or other waters which are used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

Section —.10, Federal Subsistence Board. Federal management of subsistence uses on the public lands requires an administrative structure be established to execute the Secretaries' subsistence responsibilities and perform functions specific to public lands. The proposed structure is the Federal Subsistence Board which will function similarly to the State Boards of Fisheries and Game. The Board will broadly execute the Secretaries' subsistence responsibilities which include: maintaining healthy fish and wildlife populations; setting Federal subsistence seasons and bag limits; making determinations of rural and non-rural communities and areas; determining customary and traditional subsistence uses; establishing and determining the membership of Regional Advisory Councils and local advisory committees specific to public lands.

Board membership is the regional or state directors of the Fish and Wildlife Service, National Park Service, USDA-Forest Service, Bureau of Land Management, and Bureau of Indian Affairs. These are the chief officials in Alaska of the primary Federal land managing agencies. These officials were chosen because of their public land management responsibilities. The Secretary of the Interior shall appoint the Chair of the Board with the concurrence of the Secretary of Agriculture.

Sections —.11 and —.12, Regional Advisory Councils and Local Advisory Committees. Councils and committees are required by ANILCA Section 805. The existing State advisory system had broad responsibilities for dealing with subsistence take and uses as well as sport and commercial take statewide. These regulations require the Secretaries to review the existing resource regions, regional advisory councils and local advisory committees to determine their adequacy for fulfilling the functions outlined in Section 805. This will be accomplished by June 30, 1990. If the Secretaries determine that the resource regions, regional advisory councils or local advisory committees are inadequate to fulfill the functions outlined in Section 805, then these regulations empower the Board to establish a system of resource regions, councils, and committees, which are focused on subsistence uses specific to public lands. Public comment and participation will occur throughout the process of making the Secretaries' determination and any subsequent actions as a result of the determination. Establishment of councils and committees by the Board will occur

within 12 months after the date of the Secretary's determination if they determine that the existing regions, councils or committees are inadequate to fulfill the functions in Section 805.

Pending the Secretaries' determination pursuant to this section, the Boards shall review the administrative record developed by the State Board of Fisheries and Game, regional advisory councils and local advisory committees and associated public comment as a temporary means of fulfilling Section 805 and gaining the input from the existing system of boards, councils and committees. Nothing in these regulations requires the Secretaries to establish a separate system of councils and committees, through they may do so if necessary to fulfill their responsibilities pursuant to Title VIII.

Section ———.14, Relationship to State Procedures and Regulation. As stated in §——.5 these regulations anticipate an interactive process between the State fish and game regulatory procedure. The State, because of its constitution, cannot provide a preference for rural residents with customary and traditional use of fish and wildlife as required by ANILCA. The State can facilitate harvest by rural residents through various regulations dealing with means and methods of take and perhaps other mechanisms.

If State regulations allow rural residents the opportunity to obtain their customary and traditional take and uses of fish and wildlife resources, the Federal regulations may closely parallel State regulations. The Federal program anticipates a highly cooperative, interactive relationship with the State system. To the extent that cooperation exists, the Federal program will be able to minimize change to traditional State regulation and management of fish and wildlife.

Section ———.15(b), Rural and Non-Rural Determinations. The definition of rural is, perhaps, the key element in these regulations. ANILCA did not define rural. The State has been wrestling with the rural definition since passage of ANILCA. The Ninth Circuit Court of Appeals ruled in 1988 that the rural definition in the State's 1986 subsistence law is not consistent with ANILCA and the common meaning of the term rural.

The legislative history of ANILCA provides some insight. Senator Report 96-413 identified Anchorage, Juneau, Fairbanks and Ketchikan as examples of non-rural communities in 1980 and Barrow, Kotzebue, Nome, Bethel and Dillingham as examples of rural

communities. It further states that the rural nature of such communities is not a static condition and can change.

The Federal government recognizes that communities of the same size may vary greatly in character for a variety of reasons. Therefore, no single population number adequately serves as a dividing line between rural and non-rural communities. The process to determine rural is designed to incorporate the common meaning of rural and is based on two rebuttable presumptions.

A community or area of less than 2,500 population is deemed rural unless it exhibits characteristics of a non-rural nature or area or is part of an urbanized area. The number 2,500 was selected because it is the figure used by the U.S. Census Bureau to divide rural from non-rural. A community between 2,500 and 7,000 bears no presumption as to its rural or non-rural status. Some communities fall in this population range which clearly appear to have rural character.

Communities 7,000 or greater in population are presumed to be non-rural. The 7,000 population level was chosen because Ketchikan, the smallest of the non-rural communities mentioned in the Senate report, was approximately that size when ANILCA was passed and consequently is an indicator of Congressional intent. Communities in Alaska can approach and may rarely exceed a population level of 7,000 and still be rural in character.

Determinations of rural or non-rural status by the State will be adopted by these regulations until December 31, 1990, unless superseded by determinations by the Federal Subsistence Board. This six month grace period will minimize confusion for existing subsistence users while allowing the Board to determine, according to the procedures in §——.16, the rural or non-rural status of communities or areas within the State.

The Board will publish the characteristics it will use in determining rural or non-rural status. Communities with populations between 2,500 and 7,000 will be reviewed before other communities.

This definition and process recognizes that population alone is not the sole indicator of a rural or non-rural community. This flexibility is consistent with approaches other Federal agencies have used to determine if communities are rural. For example, the Department of Housing and Urban Development uses a population base of 2,500 but employs indicators such as "rural in character" or "has a serious lack of mortgage credit" to include larger communities in its definition of rural.

Examples of indicators which the Federal Subsistence Board may evaluate to decide if a community is rural or nonrural in character are: fish and game use; development and diversity of the economy, transportation, communication, infrastructure, and educational and cultural institutions.

Section ———.16, Regulation Adoption Process. The process for promulgating Federal subsistence regulations specific to public lands will be similar, and at least initially, will use much of the State regulatory process. The advisory structure contemplated by Title VIII of ANILCA will be an integral part of the Federal regulatory structure. As discussed previously in §§——.11 and ———.12 regional advisory councils and local advisory committees may be established specific to Federal lands. Proposed regulations may originate from a variety of sources, but emphasis will be on the regional advisory council and local advisory committee system. While the public may comment and interact directly with the Board, it is the intent of these regulations that most public comment and interaction with the regulatory process be channelled through the councils and committees. However, during the effective period of these temporary regulations the Federal regulatory process will rely substantially on the administrative record of the State system.

Section ———.18(i). This section clarifies that an administrative appeal exists specifically for subpart D of this temporary rule. Subpart D contains extensive season and bag limit regulations which closely mirror State season and bag limits set before the McDowell decision took effect, i.e., set under State law and regulations which were considered generally applicable within the meaning of Section 805(d) of ANILCA. The Federal government believes that the regulations in subpart D provide for customary and traditional use by rural residents of fish and wildlife on public lands during the regulatory year July 1, 1990 to June 30, 1991. These regulations received extensive public input since essentially the same regulations were promulgated under the State procedures. However, since the seasons and bag limit regulations in subpart D did not receive public review under the Federal process because of time constraints, this section specifically provides for administrative appeal to the Federal Subsistence Board.

Section ———.21, Licenses, permits, harvest tickets, tags, and fees. The intent of this section is to maximize use of existing State licenses, permits,

harvest tickets, and tags. Separate Federal licenses, permits, harvest tickets or tags will only be required where the State's requirements for licenses, permits, harvest tickets or tags conflict with the Federal government's efforts to provide for subsistence preference for rural residents on public lands. In those cases the requirement for a Federal license, permit, harvest ticket or tag will replace the requirement on public lands for a comparable State authorization. During the effective period of these regulations, the instances requiring Federal authorizations are expected to be limited in number and primarily restricted to permits. No Federal licenses, permits, harvest tickets, or tags, for subsistence users are required by the temporary regulations unless specified in the annual seasons and bag limits promulgated in Subpart D.

Subpart D. Subpart D extensively adopts existing State regulations dealing with methods and means of take. The State regulations are codified in Title 5 of the Alaska Administrative Code. In many cases the language is verbatim from the State regulations. In other cases minor modifications have been made to make the regulation specific to this Federal program or Federal lands. The regulations cite the State regulations from which they were derived. These temporary regulations attempt throughout to limit change to the State regulations to that necessary to fulfill the Secretaries' responsibilities pursuant to Title VIII:

Section ——.24(a). Subsistence fishing for halibut is not authorized under the convention between the United States of America and Canada for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, as amended, or by National Marine Fisheries Service in 50 CFR 301, and is, therefore, prohibited.

Section ——.24(d)(4). This section prohibits the buying or selling of subsistence-taken fish, their parts, or their eggs, unless otherwise specified. This section also provides that customary trade is authorized if, prior to the sale, the prospective seller or buyer obtains from the Federal Subsistence Board a determination that the sale would constitute customary trade.

Other Wild Renewable Resources

ANILCA Section 803 does not limit "subsistence uses" to fish and wildlife, but instead, uses the term "wild renewable resources." Vegetative resources and even water are included in this term. ANILCA Section 805(d) allows the State of Alaska to regulate take of fish and wildlife for subsistence uses on public lands if in compliance

with sections 803, 804, and 805, but does not include other renewable resources.

Federal agencies have managed these other resources through various policies and regulations. Some agencies, like NPS, BLM, and the USFS, have adopted subsistence wood harvest policies which allow subsistence harvest under a permit system. Water was treated as a subsistence resource in BLM's Central Yukon Resource Management Plan/EIS. Because of past management and the desire to avoid confusion, regulation of the use of other wild renewable resources will be left to the individual land managing agency. The various Federal land managing agencies will continue to follow existing regulations with respect to non-fish and wildlife resources. See, for example, 36 CFR 13.49.

Access

Section 811 of ANILCA addresses "Access" for subsistence as follows:

(a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provisions of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

Generally, access by foot, snow machine, aircraft, and boat is allowed on public lands, but the use of all-terrain vehicles is on a site-specific basis. In National Parks and Park Monuments only, " * * * subsistence uses without use of aircraft as a means of access * * * is allowed (46 FR 31849, June 17, 1981). The Park Service currently provides for "certain exceptions" which are managed under special permits issued by park superintendents for unusual circumstances, such as matters involving safety.

The NPS prohibition on the use of aircraft for subsistence in national parks or park monuments is consistent with the position taken in the Federal Register notice published on June 17, 1981 (46 FR 31836). It provides for exceptions to the aircraft prohibition in individual hardship situations (46 FR 31841). A local rural resident or community who believes they qualify under the hardship criteria at 36 CFR 13.45(b)(2) may apply for a permit as provided at 36 CFR 13.51. Nothing in these rules is intended to alter the existing NPS regulations on aircraft use for subsistence.

Decisions and regulations concerning access are the responsibility of the

respective Federal land manager. Correspondingly, information on access is available from the Federal agencies for the lands they manage. Appeals on access rulings are handled according to the appeal procedures of the agency in question.

Healthy Fish and Wildlife Populations

The term healthy populations of fish and wildlife appears in Title VIII as the standard against which subsistence use is to be regulated, and fish and wildlife are to be managed. The State uses the concept of sustained yield for its fish and wildlife regulatory program. Since the term healthy fish and wildlife populations appears in ANILCA, it is used instead of the term sustained yield, when identifying the standard for managing fish and wildlife under this regulatory program, although the terms in practice are compatible. National Parks, Park Monuments, and Park Preserves are managed according to the more restrictive natural and health populations standard.

Permanent Regulations

These temporary regulations automatically expire on December 31, 1991. Consequently, the Federal government will begin development of permanent regulations shortly after the temporary regulations take effect, if the State appears to be unable to resume subsistence management on public lands in 1990. Public comment will be solicited. Public meetings will also be held in the affected areas to solicit comments. The Federal government will then revise the proposed regulations in response to public comments and agency and legislative mandates and publish them as final regulations. Once implemented, the permanent regulations would remain in effect until the State brings its subsistence program back into compliance with ANILCA.

Conformance with Statutory and Regulatory Authorities

The impact of these regulations on subsistence uses has been evaluated under section 810 of ANILCA, even though it is not clear that this is an action subject to section 810. Subsistence use and access is expected to differ little from that previously allowed under State management. The regulations are consistent with the purposes and intent of section 810 and present no significant possibility of a significant restriction on subsistence activities on public lands.

Properly regulated and managed subsistence use is consistent with the

purposes for which the various public lands in Alaska were established.

National Environmental Policy Act Compliance

The Federal assumption of subsistence management will generally maintain the status quo from the user's perspective. Responsibility and on the ground implementation will shift from State to Federal officials. Changes in environmental effects will be negligible. Therefore, the implementation of temporary regulations relative to Federal assumption of subsistence management on public lands is determined to be a categorical exclusion as detailed in the USDI Departmental Manual (516 DM 6, Appendix 1), USDA regulations at 7 CFR 16.3, USDA Forest Service Manual 1950, I.D. 2 and 17, and USDA Forest Service Handbook 1909.15, I.D. 2 and 17. In addition, the strict requirement to implement a Federal subsistence program on July 1, 1990, would have left the Departments with sufficient time within which to prepare an environmental impact statement. Not until May 8, 1990, when the State Legislature adjourned without taking action to remedy the problems created by the McDowell decision, did it become clear that the Departments would be compelled to implement a Federal subsistence program on July 1. Under the doctrine established in *Flint Ridge Development Company v. Scenic Rivers Association of Oklahoma*, 426 U.S. 776 (1976), NEPA's environmental impact statement requirement is inapplicable when preparing an EIS would require an agency to violate a deadline established by statute. Thus, even if the Departments were otherwise required to prepare an EIS on establishment of the Federal subsistence program, the need to meet the July 1 deadline would override the need to prepare an EIS.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501 et seq. They apply to subsistence users of public lands in Alaska.

1. Section —.18, appeals. The information collection requirements contained in this section provide a standardized process to allow individuals the opportunity to appeal decisions of the Federal Subsistence Board. Submission is voluntary, but required to receive a final determination on their appeal. The Department of the Interior estimates that an appeal will take 4 hours to prepare and submit for consideration.

2. Section —.21(b), Federal permits. The information collection requirements contained in this section provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. The information requested is required to obtain subsistence benefits on Federal lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 15 minutes.

3. The remaining information collection requirements contained in this part imposed upon subsistence users are those adopted from State regulations. The information collection requirements are required to obtain subsistence benefits on Federal lands in Alaska. The Department estimates that the average burden imposed upon individuals will be 8 minutes.

The information collection requirements described above have been submitted to OMB for review.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARSLQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503. Additionally, information collection requirements may be imposed if the councils and committees subject to the Federal Advisory Committee Act are established under subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

Executive Order 12291, "Federal Regulation," of February 19, 1981, requires the preparation of regulatory impact analysis for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The Departments of the Interior and Agriculture have determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291, and certify that it will not have a significant economic effect on a

substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown, but the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue pre-existing uses of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain Federal lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

William Knauer, Refuges and Wildlife, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska, is the primary author of this rulemaking document.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Fish, National forests, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Chapter I, Subchapter H of Title 50 and Chapter II of Title 36 of the Code of Federal Regulations are amended by adding 36 CFR part 242 and 50 CFR part 100 to read as follows. The text of each part is identical.

PART —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

Sec.

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Authority: 16 U.S.C. 472, 551, 668dd et seq., 3101 et seq.; 18 U.S.C. 7, 3559, 3571; 43 U.S.C. 1733.

Subpart A—General Provisions**§ _____ 1 Purpose.**

The regulations in this part implement the Federal Subsistence Management Program on public lands within the State of Alaska.

§ _____ 2 Authority.

These regulations are issued pursuant to the Secretary of the Interior and of Agriculture authority specified in Section 814 of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, Pub. L. 96-487).

§ _____ 3 Applicability and scope.

The regulations of this part _____ apply to subsistence taking and uses of fish and wildlife on all public lands in the State of Alaska, and do not supersede agency specific regulations. Subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park originally reserved as Mt. McKinley National Park are prohibited.

§ _____ 4 Definitions.

The following definitions apply to all regulations contained in this part unless otherwise provided in other regulations of this part.

Agency means a subunit of a cabinet level Department such as U.S. Fish and Wildlife Service, USDA-Forest Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, Department of Army, Department of Air Force, National Marine Fisheries Service, etc.

ANILCA means the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, 94 Stat. 2371, as amended.

Barter means the exchange of fish or wildlife or their parts taken for subsistence uses: For other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

Board means the Federal Subsistence Board as described in § _____ 10.

Council means the Regional Subsistence Advisory Councils as described in § _____ 11.

Customary and traditional use means a consistent pattern of, and reliance for subsistence purposes upon fish or wildlife or other wild renewable resources near or reasonably accessible from the users' place of residence. Customary and traditional use determinations are community or geographic area based, except that outside established subsistence resident zones in certain National Parks, Park Monuments, or Park Preserves determinations may be specific to individuals.

Customary trade means types and volumes of trade in existence among rural resident subsistence users prior to the passage of ANILCA. Customary trade does not include significant commercial enterprises established after passage of ANILCA.

Family means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis.

Federal lands means lands the title to which is in the United States.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or part thereof.

Household means that group of people domiciled in the same residence.

Local resident means a rural resident with subsistence use in a specific geographic area.

Person means an individual and does not include a corporation, company, partnership, firm, association, organization, business trust or society.

Public lands means lands situated in Alaska which are Federal lands, except—

(a) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska

or State under any other provision of Federal law;

(b) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(c) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Regulatory year means July 1 through June 30.

Resident means any person who has their primary, permanent home within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: the address listed on an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims residence in another location for any purpose. Individuals are not required to occupy a home twelve months per year to be considered resident.

Rural means any area of Alaska determined by the Board to qualify as such under the process described in § _____ 15.

Secretary means the Secretary of the Interior, except that in reference to matters related to the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal family consumption; and for customary trade.

Take or taking as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

§ _____ 5 Federal subsistence policy, general.

The Secretary under Title VIII of ANILCA must accord a preference to

subsistence uses of fish and wildlife on public lands. It is the policy of the Department to minimize conflict between resource uses on public and non-public lands. The Board will consider the recommendations of the State regional councils and local advisory committees, public input and comment, and actions of the State Boards of Fisheries and Game, as reflected in the administrative record, as a basis for decisions related to subsistence. The Board will give full consideration to state regulatory measures for fish and game uses and, where appropriate, adopt such measures, including state seasons and bag limits. However, the Secretary reserves the discretion, as embodied in these regulations, to prescribe different regulatory measures on public lands to protect subsistence uses consistent with Section 804 of ANILCA.

§ 101.6 Information collection requirements.

(a) These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501 et seq. They apply to subsistence users of public lands in Alaska.

(1) Section 101.18, appeals. The information collection requirements contained in this section provide a standardized process to allow individuals the opportunity to appeal decisions of the Federal Subsistence Board. Submission is voluntary, but required to receive a final determination on their appeal. The Department of the Interior estimates that an appeal will take 4 hours to prepare and submit for consideration.

(2) Section 101.21(b), Federal permits. The information collection requirements contained in this section provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. The information requested is required to obtain subsistence benefits on Federal lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 15 minutes.

(3) The remaining information collection requirements contained in this part imposed upon subsistence users are those adopted from State regulations. The information collection requirements are required to obtain subsistence benefits on Federal lands in Alaska. The Department estimates that the average burden imposed upon individuals will be 8 minutes.

(b) Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S.

Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503. Additionally, information collection requirements may be imposed if the councils and committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Subpart B—Program Structures

§ 101.10 Federal Subsistence Board.

(a) Subsistence taking and uses of fish and wildlife on public lands shall be administered by a Federal Subsistence Board.

(b) *Membership.* (1) The Board shall consist of the Alaska Regional Director, Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA-Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Area Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.

(2) The Board shall have a chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.

(c) *Powers and Duties.* (1) Meetings shall occur at least annually, and at such other times as deemed necessary by the Board. Meetings will normally occur at the call of the Chair, but any member may request a meeting.

(2) A quorum shall consist of three members but no action may be taken unless three members are in agreement.

(3) The Board is empowered, to the extent necessary to implement Title VIII of ANILCA, to:

(i) Promulgate regulations for the management of subsistence taking and uses of fish and wildlife on public lands;

(ii) Establish rules and procedures for the operation of the Board, the regional advisory councils and local advisory committees established pursuant to this part;

(iii) Apply a subsistence priority, as necessary for rural Alaska residents on public lands;

(iv) Assess the biological status of fish and wildlife populations used for subsistence on public lands;

(v) Determine if a harvest from populations of fish and wildlife is consistent with maintaining healthy fish and wildlife populations on public lands except NPS lands;

(vi) Make rural and non-rural determinations;

(vii) Determine which rural Alaska areas or communities have customary and traditional subsistence uses of fish and wildlife, as necessary. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may extend to individual local rural residents;

(viii) Review and respond to proposals by regional advisory councils for regulation, management plans, policies, and other matters related to subsistence taking and uses of fish and wildlife;

(ix) Close public lands to the taking of fish and wildlife authorized by State fish and game laws and regulations which may adversely affect subsistence taking and uses on those lands;

(x) Prioritize subsistence taking of fish and wildlife among users when necessary to maintain healthy fish and wildlife populations based on application of the following criteria:

(A) Customary and direct dependence upon the populations as the mainstay of livelihood;

(B) Local residency; and

(C) The availability of alternative resources.

(xi) Restrict or eliminate harvest of fish and wildlife by subsistence users if necessary to maintain healthy fish and wildlife populations, or for reasons of public safety, or administration;

(xii) Establish at least six geographic subsistence resource regions;

(xiii) Establish a regional advisory council in each subsistence resource region and appoint its members pursuant to the Federal Advisory Committee Act;

(xiv) Establish local advisory committees within the subsistence resource regions as necessary and appoint their members pursuant to the Federal Advisory Committee Act.

(xv) Such other duties as are necessary to implement the Secretary's responsibilities under Title VIII of ANILCA.

(4) The Board shall consider the reports and recommendations of the Councils concerning the subsistence take of fish and wildlife on the public lands within their respective regions. The Board may choose not to follow any recommendation which it determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted, the Board shall set forth the factual basis and the reasons for the decision.

(5) The Board will establish a Staff Committee composed of personnel from

the U.S. Fish and Wildlife Service, National Park Service, USDA-Forest Service, Bureau of Land Management, and Bureau of Indian Affairs for administrative assistance. Personnel from other Federal and State agencies will be invited to participate on the Staff Committee as appropriate. The Staff Committee's functions will include, but not be limited to:

- (i) Making recommendations concerning the biological status of fish and wildlife populations;
 - (ii) Making recommendations on which communities or areas are "rural" and which have demonstrated "customary and traditional uses"; and
 - (iii) Compiling records of subsistence harvest of fish and wildlife resources.
- (6) Additional committees may be formed as necessary to assist the Board.
- (7) The Board may review and revise or rescind its actions.
- (8) The Fish and Wildlife Service shall provide appropriate administrative support for the Board.

§ 11.11 Regional advisory councils.

(a) The Secretary shall during the effective period of these regulations review and determine the adequacy, for the purposes of the Secretary's responsibilities under Title VIII of ANILCA, the existing State:

- (1) Subsistence resource regions;
- (2) Regional advisory councils; and
- (3) Local advisory committees.

(b) If the Secretary determines pursuant to paragraph (a) of this section that the subsistence resource regions, regional advisory councils or local advisory committees are inadequate to fulfill the functions described in Section 805 of ANILCA, he shall establish subsistence resource region, regional advisory councils or local advisory committees in accordance with this section and § 12.12.

(c) Pending the review and determination required by paragraph (a) of this section, the Federal Subsistence Board shall review the proposals, actions, and associated public comments contained in the administrative record produced by the existing State Boards of Fisheries and Game, Regional Advisory Councils, and local advisory committees. This review shall be an interim measure to gain the public input described in Section 805 of ANILCA.

(d) The Board shall establish a Regional Advisory Council for each subsistence resource region within 12 months from the date of the Secretary's determination pursuant to paragraph (a) of this section, if the Secretary determines existing State Regional

Advisory Councils are inadequate to meet the requirements of Section 805 of ANILCA. The Councils will provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on public lands. The Councils will provide for public participation in the regulatory process.

(e) Establishment of Councils—Membership—

(1) The number of members of each council shall be established by the Board, and shall be an odd number. A Council member must be a resident of the region in which he/she is appointed and be knowledgeable about the region and subsistence uses therein. The Board shall solicit nominations from the public. Appointments to the Councils are made by the Board.

(2) Council members shall serve 3 year terms and may be reappointed. Initial members shall have staggered terms.

(3) The Chair of the Council shall be elected by the Council for a one year term and may be reelected.

(f) Powers and Duties—

(1) The Councils are empowered to:

- (i) Hold public meetings on fish and wildlife subsistence matters;
- (ii) Elect officers;
- (iii) In consultation with the local advisory committees in its region; review, evaluate, and make recommendations to the Board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the subsistence take of fish and wildlife within or affecting its region.

(2) The Councils shall:

(i) Prepare and submit to the Board an annual report containing:

- (A) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- (B) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(C) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(D) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

(ii) Provide a forum for, and assist the local advisory committees in obtaining the opinions and recommendations of rural residents interested in subsistence taking and uses of fish and wildlife.

(iii) Attempt to develop areas of compromise and reach a regional

consensus if differences of opinion exist among the local advisory committees.

(iv) Perform other duties specified by the Board.

(3) Each Council must comply with rules of operation established by the Board.

(g) The Fish and Wildlife Service shall provide appropriate financial, technical and administrative assistance to the Councils.

§ 12.12 Local advisory committees.

(a) The Board shall establish local advisory committees as deemed necessary within each subsistence resource region, if the Secretary determines pursuant to § 11.11(a) that the existing state local advisory committees are inadequate to fulfill the requirements of ANILCA Section 805. The committees will provide a local public forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife, may make recommendations to the councils concerning regulations, and will provide for public participation in the regulatory process to help adequately protect subsistence uses.

(b) Establishment and membership of committees—

(1) Committees and their membership shall be recommended by the Regional Councils to the Board. The membership of each committee shall be an odd number. Members must be residents of the local area, and be knowledgeable about the area and subsistence uses. Nominations will be from the Councils. Authorizations of and appointments to the committees are made by the Board.

(2) Committee members shall serve 3 year terms and may be reappointed. Initial appointments shall have staggered terms.

(3) The Chair of the committee shall be elected by the committee for a one year term and may be reelected.

(4) When considering a request by a Council to create a committee, the Board will consider:

- (i) Whether existing representation is adequate, and
- (ii) Whether participation in the Board's decision making process would be enhanced meaningfully.

(c) Powers and Duties—

(1) The committees are empowered to:

- (i) Elect officers;
- (ii) Provide a local forum for proposing regulations of subsistence taking and uses of fish and wildlife, habitat management, and assisting the Councils in obtaining the opinions and recommendations of rural residents

interested in subsistence taking and uses of fish and wildlife matters;

(iii) Develop regulatory proposals for submission to the Council;

(iv) Evaluate regulatory proposals submitted to the committees and make recommendations to the Council and Board;

(v) Advise the appropriate regional council regarding the conservation, development, and subsistence use of fish and wildlife resources;

(vi) Work with the appropriate regional council to develop subsistence management plans and harvest strategy proposals; and

(vii) Cooperate and consult with interested persons and organizations, including government agencies, to accomplish their charge.

(viii) Perform other duties specified by the Board.

(2) Committees must comply with rules of operation established by the Board.

(d) The Fish and Wildlife Service shall provide appropriate financial, technical, and administrative assistance to the committees.

§ 13 Board/agency relationships.

(a) *General.* (1) The Board, in making decisions or recommendations, shall consider and ensure compliance with specific statutory requirements regarding the management of resources on conservation system units or other public lands, recognizing that the management policies applicable to some units may entail methods of resource and habitat management and protection different from methods appropriate for other units.

(2) The Board shall promulgate a single set of regulations for subsistence taking of fish and wildlife on public lands. An agency may submit proposed regulations to the Board for inclusion. The Board is the final administrative authority on the promulgation of regulations relating to the subsistence taking of fish and wildlife on public lands, unless the Secretary at his discretion chooses to exercise his review authority.

(3) Nothing in these regulations shall abrogate the authority of individual Federal agencies to promulgate regulations necessary for the proper management of lands under their jurisdiction in accordance with ANILCA and other existing laws.

(b) Section 808 of ANILCA establishes park and park monument Subsistence Resource Commissions. Nothing in these regulations affects the appointments, duties or authorities of those Commissions.

§ 14 Relationship to state procedures and regulations.

(a) State of Alaska fish and wildlife regulations, other than subsistence regulations, apply to public lands unless the Board finds it necessary to promulgate regulations which supersede State regulations in order to ensure the opportunity for subsistence take of fish or wildlife on public lands.

(b) The Board may close public lands to hunting and fishing, or establish seasons and bag limits different from the State. Such regulations may be implemented through individual agency closure authority. Where applicable to all public lands such regulations will be promulgated by the Board. The Board may allow State closures to stand which serve to achieve the objectives of Title VIII of ANILCA.

§ 15 Board determinations.

(a) *Healthy Fish and Wildlife Populations.* Determinations of healthy populations of fish and wildlife shall be based upon the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems and minimizes the likelihood of irreversible or long term adverse effects upon such populations and species. Natural populations, for this section, shall include existing, nonindigenous populations. Such determinations shall also recognize that customary and traditional subsistence uses by local rural residents may be a natural part of such ecosystems. Habitat manipulation or control of other species for the purpose of maintaining subsistence uses is not authorized within National Park System Units.

(b) *Rural Determinations.* Not later than December 31, 1990, the Board shall determine the rural or non-rural status of all areas or communities within Alaska. Pending such determination each area or community will retain its rural or non-rural status pursuant to Alaska Administrative Code (5 AAC 99.014). In determining whether a particular area of Alaska is rural, the Board will use the procedures set forth in § 3.16 and use the following guidelines.

(1) A community or area with a population of 2500 or less will be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is part of an urbanized area.

(2) Communities or areas with populations between 2500 and 7000 will be determined rural or non-rural before other areas or communities are

reviewed. The characteristics identified pursuant to § 15(b)(5) will be used to make these determinations.

(3) A community with a population of 7000 or more is presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.

(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor will be utilized in this process.

(5) Community or area characteristics will be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to: Fish and wildlife use; and development and diversity of: the economy, transportation, communication links, community infrastructure, educational and cultural institutions, and government institutions.

(6) Communities or areas which are economically, socially and communally integrated will be considered in the aggregate.

(c) *Customary and Traditional Determinations.* Not later than December 31, 1991, the Board shall determine, as necessary, customary and traditional uses of fish and wildlife by rural communities on public lands. Pending such determinations, existing determinations by the Alaska Boards of Fisheries and Game, as codified in 5 AAC, are adopted by these regulations. In making determinations of whether uses of fish and wildlife are customary and traditional, the Board may examine but not be limited to the following factors which exemplify customary and traditional use:

(1) The length, consistency and pattern of use.

(2) The degree of past and current reliance upon particular subsistence uses near or reasonably accessible from the user's place of residence.

(3) Whether current consistent use patterns provide substantial economic, cultural, social, or nutritional elements of the subsistence users' lives, as related to the importance of such uses to subsistence users' lives in the past.

(4) How the methods and means of taking relate to efficiency and economy of effort and cost, as conditioned by local circumstances, and as related to past methods and means of taking.

(5) Whether the present means of handling, preparing, preserving, and storing fish or game have been traditionally used by past generations—without excluding consideration of recent technological advances where appropriate.

(6) The passage of knowledge of fishing and hunting skills, values, and lore from generation to generation.

(7) Distribution or sharing of hunting or fishing effort, or the products of that effort (by customary trade, barter, sharing, and gift-giving), among others according to custom and tradition.

§ 16 Regulation adoption process.

(a) The public shall be provided opportunities to participate in and comment on proposed changes in the regulations. The regulation adoption process should reasonably coincide with the State of Alaska's annual process of establishing fish and game regulations.

(b) Early in the regulatory year the Board shall provide to the Councils and committees, once established, and public a schedule of the regulatory and amendment process.

(c) The committees and Councils must submit proposals to the Board in compliance with the schedule. Committee proposals must be submitted through the Councils. Proposals, however, may originate from any source; but to receive full consideration, must meet the published schedule. Proposals originating from individuals other than the Board, Councils or committees will be referred by the Board to the Councils for comments. Each Council and committee shall hold at least one public meeting per year in its region or area to solicit public comment on proposals. The public's and Councils' comments shall be forwarded to the Board in accordance with the schedule.

(d) The Board, based on comments from the Councils and public, and on resource and resource use information, shall develop draft regulations, publish a notice of availability in the Federal Register, and provide other public notice necessary to obtain public participation. A comment period of no less than 30 days shall be provided. The Board shall hold at least one public meeting to obtain public comment on the proposed regulations.

(e) Following the comment period, the final regulations shall be published in the Federal Register and will become effective on the date of publication or such later date as may be determined by the Board.

§ 17 Closures.

(a) The Board may make or direct temporary closures of subsistence taking on public lands, if necessary, for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. In so doing, the Board will consult with the State, and provide adequate notice and

public hearing, including at least one hearing in the vicinity of the affected communities.

(b) In an emergency situation, the Board may direct immediate closure of public lands to any or all hunting or fishing, including subsistence take. The Board shall publish notice and reasons justifying the closure in the Federal Register and in newspapers of the area(s) affected. The closure shall be effective when made, may not exceed 60 days, and may not be extended unless it is determined, after notice and hearing, that such closure should be extended.

(c) Any closure, pursuant to Title VIII, exclusive of those made through the annual regulatory process, which does not apply to all public lands will be implemented through the regulations governing such closures by each agency which manages public land in Alaska. Public notification and involvement procedures of the involved agency(s) shall be followed.

(d) Based on emergency need for subsistence, the Board may extend or change seasons or increase bag limits. The Board may consider an emergency under this item only upon a petition from an affected rural resident or community. If such changes are granted they shall be for the minimum time period and bag limit necessary to meet the need and may be made only after a determination by the Board that the proposed change will not affect the maintenance of healthy fish and wildlife populations. The decision of the Board shall be the final administrative action.

§ 18 Appeals.

(a) Decisions of the Board are subject to requests for reconsideration.

(b) Any affected person may file a request for reconsideration.

(c) To file a request for reconsideration, the requestor must notify the Board in writing within 45 days of the date on the notice of the written decision for which reconsideration is requested.

(d) It is the responsibility of a requestor to provide the Board with sufficient narrative evidence and argument to show why a decision by the Board should be reconsidered. The following information must be included in the request for reconsideration:

(1) The requestor's name, mailing address, and daytime telephone number (if any);

(2) The decision for which reconsideration is requested and the date of that decision;

(3) A statement of how the requestor is adversely affected by the decision;

(4) A statement of the facts of the dispute, the issues raised by the request,

and specific references to any law, regulation, or policy that the requestor believes to be violated and the reason for such allegation;

(5) A statement of how the requestor would like the decision changed.

(e) Stays. (1) A decision may be implemented while the Board is reconsidering that decision unless the Board grants a stay.

(2) If a stay is desired, the stay request must accompany the request for reconsideration. The stay request must contain a description of the decision to be stayed, specific reasons why the stay should be granted including specific adverse effect(s) upon the requestor, harmful site-specific impacts or effects on resources, and how the cited effects and impacts would prevent a meaningful reconsideration of the decision.

(3) The Board must issue a written decision on a stay request within 10 calendar days of receiving a stay request.

(f) The Board shall make a final decision on a request for reconsideration within 45 days after receiving such a request. The decision of the Board is the final administrative remedy except as specified in paragraph (g) of this section. Further relief is only available through the courts.

(g) The Secretary, at his discretion, may review actions by the Board.

(h) Decisions by a Federal agency outside its role on the Board are subject to appeal under the appeal procedures of that agency.

(i) Regulations in subpart D of this rule are subject to motions for reconsideration to the Board. Such motion must be filed by September 30, 1990, according to the procedures in paragraph (d) of this section. The Board shall respond according to the procedures in paragraph (f) of this section.

Subpart C—General Requirements

§ 20 Subsistence use qualifications.

(a) The taking of fish and wildlife on public lands for subsistence uses as defined in § 4 is restricted to Alaska residents of rural areas or communities. Non-rural residents are not provided a preference for the taking of fish and wildlife on public lands.

(b) This section does not limit the authority of the Board, or individual Federal land management agencies, to further restrict the class of qualifying subsistence users in particular cases based upon specific authority in ANILCA or other Federal statutes.

§ 21 Licenses, permits, harvest tickets, tags, and fees.

(a) Persons engaged in subsistence activities related to the taking of fish and wildlife on public lands must possess State of Alaska licenses, permits, harvest tickets, and tags and must comply with reporting and validation requirements, except where such requirements conflict with Federal requirements. The intent of these regulations is to maximize the use of the State license and permit system, consistent with the sound management of fish and wildlife and fulfillment of the Secretary's Title VIII responsibilities.

(b) In addition to any licenses or permits required by paragraph (a) of this section, persons engaged in subsistence activities on public lands must possess any Federal licenses or permits that may be required for such activities.

(c) Upon request of a State or Federal law enforcement officer, individuals must produce: licenses, permits, harvest tickets, tags, or other pertinent documents required by this section; and, any apparatus designed to be, or capable of being used to harvest fish and wildlife.

§ 22 Penalties.

Any persons convicted of violating any provision of 50 CFR part 100 or 36 CFR part 242 may be punished by a fine or imprisonment or both in accordance with the penalty provisions prescribed by applicable law.

Subpart D—Subsistence Hunting, Trapping, and Fishing¹

§ 23 Subsistence hunting and trapping.

(a) Definitions. The following definitions shall apply to all regulations contained in this subpart (derived from 5 AAC 92.990):

ADF&G means Alaska Department of Fish and Game.

Aircraft means a fixed-wing machine or device that is used or intended to be used to carry persons or objects through the air, including airplanes and gliders.

Airport means an airport listed in the Federal Aviation Agency, Alaska Airman's Guide and chart supplement.

Animal means those species with a vertebral column (backbone).

Bag limit means the number of any one species permitted to be taken by any one person in the unit or portion of

a unit in which the taking occurs; however, additional numbers of a species may be taken in another designated open unit or portion of a unit where a greater limit on that species is prescribed. In no case may the total or cumulative bag for one person or designated group exceed the limit set for the unit or portion of a unit in which the additional animals are taken. A subsistence bag limit and a general bag limit for the same species are not cumulative.

Big game means black bear, brown and grizzly bear, bison, caribou, deer, elk, mountain goat, moose, musk oxen, mountain or Dall sheep, wolf and wolverine.

Bow means long bow, recurve bow, or compound bow, but not crossbow.

Broadhead means an arrowhead with two or more steel cutting edges having minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Bull moose means any male moose.

Closed season means the time when wildlife may not be taken.

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Dire emergency means a situation in which a person:

- (a) Is in a remote area;
- (b) is involuntarily experiencing an absence of food required for sustenance;
- (c) will be unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems if wild game food is not immediately taken and consumed; and
- (d) cannot expect to obtain alternative food sources in time to avoid the consequences described in paragraph (c) of this definition.

Drawing permit means a permit issued in a limited number to people who are selected by means of a lottery held for all people submitting valid applications for such persons, and who agree to abide by the conditions specified for each hunt.

Full curl horn means the horn of a male mountain or Dall sheep, the tip of at least one of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken or that the sheep is at least eight (8) years of age as determined by horn growth annuli.

Fur animal means coyote, arctic fox, red fox, lynx, raccoon, or red squirrel, except domestically raised fur animals;

"fur animals" is a classification of animals subject to taking with a hunting license.

Furbearer means beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, raccoon, red squirrel, flying squirrel, marmot, wolf or wolverine.

Highway means the drivable surface of any constructed road.

Household means that group of people domiciled in the same residence.

Hunting area for a species means that portion of a game management unit where a subsistence season and a bag limit for that species are set.

Motorized vehicle means a motor-driven land or water conveyance.

Open season means the time when wildlife may be taken; each period prescribed as an open season includes the first and last days of the period prescribed.

Permit hunt means a hunt for which permits are issued by drawing, registration or other means.

Poison means any substance which is toxic or poisonous upon contact or ingestion.

Registration permit means a hunting permit issued to a person who agrees to the conditions specified for each hunt; permits are issued in the order applications are received, and are issued:

- (a) Beginning on a date announced and continuing throughout the open season, or until the season is closed by emergency order when a harvested quota is reached; or
- (b) Beginning on a date announced and continuing until a predetermined number of permits has been issued.

Sealing means placing a mark or tag on a portion of an animal by an authorized representative of the ADF&G; "sealing" includes collecting and recording information concerning the conditions under which the animal was harvested and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Seven-eighths curl horn means the horn of a mountain sheep, the tip of which has grown through seven-eighths of a circle (315 degrees), described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Skin, hide and pelt are all the same thing, and mean any tanned or untanned external covering of an animal's body: skin, hide, or pelt of a bear shall mean the entire external covering with claws attached.

Small game means all species of grouse, hares, rabbits, ptarmigan,

¹ Subpart D of this part follows existing State Fish and Game regulations which are codified in Title 5 of the Alaska Administrative Code. In many cases the language is identical to state regulation or modified so it applies only to this Federal program on public lands. The regulations note particular State provisions from which they were derived.

waterfowl, cranes and Wilson or jacksnipe.

Tine or antler point refers to any point on an antler whose length is at least one inch, and is greater in length than in width, measured in a straight line across the base.

Transport means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export.

Unclassified game means all species of game not otherwise classified in the definitions.

Unit means one of the 26 geographical areas listed under game management units in the ADF&G's codified hunting, trapping and guiding regulations and the Game Management Unit Map of Alaska.

Year means calendar year unless another year is specified.

(b) Small game and unclassified game, fur animals, furbearers, big game, and waterfowl, snipe and cranes may be taken for subsistence by any method, unless prohibited below or by other Federal statute.

(1) The following methods of taking game are prohibited (derived from 5 AAC 92.080):

(i) By shooting from, on, or across a highway;

(ii) With the use of any poison;

(iii) Knowingly, or with reason to know, with the use of a helicopter in any manner, including transportation to or from the field of any unprocessed game or parts of game, any hunter or hunting gear, or any equipment used in the pursuit or retrieval of game; this paragraph does not apply to transportation of a hunter, hunting gear, or game during an emergency rescue operation in a life-threatening situation;

(iv) Unless otherwise provided in this chapter, from a mechanical vehicle, or from a motor-driven boat unless the motor has been completely shut off and the boat's progress from the motor's power has ceased, except that a motor-driven boat or snowmachine may be used to take caribou in (State Game Management Unit) Unit 23;

(v) With the use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle for the purpose of driving, herding, or molesting game;

(vi) With the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) With the aid of a pit, artificial light (except that coyotes may be taken in Units 6(B) and 6(C) with the aid of artificial lights), radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, or a conventional steel trap with a jaw spread over nine inches; however, the

"conibear" style trap with a jaw spread of less than 11 inches may be used;

(viii) With a snare, except for taking unclassified game, furbearer, grouse, hare, or ptarmigan;

(ix) By intentionally feeding a bear, wolf, fox, or wolverine, or intentionally leaving human food or garbage in a manner that attracts these animals. This does not apply to bait used for trapping furbearers or hunting black bears consistent with following regulations.

(2) The following methods and means of taking big game for subsistence are prohibited in addition to the prohibitions in paragraph (b)(1) of this section (derived from 5 AAC 92.075 and 92.085):

(i) With the use of a firearm other than a shotgun, muzzle-loaded rifle without scope, or rifle or pistol using a center-firing cartridge, except that:

(A) In Unit 23, swimming caribou may be taken with a firearm using rimfire cartridges;

(B) The use of a muzzleloading rifle is prohibited for brown/black bear, moose, bison, musk ox and mountain goat unless such a firearm is .54 caliber or larger, or at least .45 caliber and a 250 grain or larger elongated slug is used;

(ii) With a crossbow in any area restricted to hunting by bow and arrow only;

(iii) With a longbow, recurve bow, or compound bow unless the bow is capable of casting a broadhead-tipped arrow at least 175 yards horizontally, the arrow is tipped with a broadhead of at least 7/8" width, and arrow and broadhead together weigh at least one ounce (437.5 grains), and the broadhead is not barbed, and for special bow and arrow hunts only the hunter must have successfully completed an ADF&G approved bowhunter education course and minimum shot placement qualification test and carries an endorsement to this on their license;

(iv) With the use of bait; except that black bears may be taken with the use of bait between April 15 and May 31, in Units 1 (A)(B) and in Units 1 (A)(B)(D), 2, 3, 5, 6, 7 (except Resurrection Creek and its tributaries), 11, 13 and 16 (except Denali State Park) 15 and 17 between April 15 and June 15; and Units 12, 19-21, 24, and 25, between April 15 and June 30. Baiting of black bears is subject to the following restrictions:

(A) Only biodegradable materials may be used for bait; only the head, bones, viscera, or skin of legally harvested fish and game may be used for bait;

(B) No person may use bait within one-quarter mile of a publicly maintained road or trail;

(C) No person may use bait within one mile of a house or other permanent dwelling, or within one mile of a

developed campground or developed recreational facility;

(D) A hunter using bait shall clearly mark the site with a sign reading "black bear bait stations" that also displays the person's hunting license number and ADF&G assigned number;

(E) A person using bait shall remove litter and equipment from the bait station site when hunting is completed;

(F) No person may give or receive remuneration for the use of a bait station, including barter or exchange of goods; however, this does not apply to license guide outfitters, who personally accompany the client at the bait station site;

(G) No person may have more than two bait stations established (bait present) at any one time;

(H) No person may establish a black bear bait station unless he or she first registers the site with ADF&G;

(v) With the aid or use of a dog, except that a dog may be used to hunt black bear by permit issued at the discretion of the ADF&G;

(vi) With the use of a trap or snare;

(vii) While a big game animal is swimming, except that a swimming caribou may be taken in Unit 23;

(viii) No person who has been airborne, except in regularly scheduled commercial jet aircraft flights, may take for subsistence uses a big game animal in a National Preserve units until 3:00 a.m. following the day in which the flying occurred.

(ix) No person who has been airborne, except in regularly scheduled commercial jet aircraft flights, may take for subsistence purposes or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred; however, this paragraph does not apply to subsistence taking of (a) deer, or to (b) subsistence taking of wolves during August 10-March 31 in the portions of Units 9, 17, 19, 21, 23, 24, 25(B), 25(C), and 25(D) that are not in a national preserve; additionally with respect to wolves:

(A) No person may take a wolf without first obtaining from ADF&G, a number registration permit and numbered, nontransferable locking tags;

(B) Shotguns may not be used to take wolves;

(C) A person taking a wolf shall immediately affix one of the tags to the skin of the wolf until the skin is sealed according to ADF&G procedures;

(x) From a boat in Units 1-5.

(3) The following methods and means of taking fur animals for subsistence under a hunting license are prohibited, in addition to the prohibitions in

paragraph (b)(1) of this section (derived from 5 AAC 92.090):

(i) By using a dog, trap, snare, net, or fish trap;

(ii) By disturbing or destroying a den;

(iii) By having been airborne and using a firearm to take or assist in taking an arctic or red fox until after 3:00 a.m. on the day following the day in which the flying occurred.

(4) The following methods and means of taking furbearers for subsistence under a trapping license are prohibited, in addition to the prohibitions in paragraph (b)(1) of this section (derived from 5 AAC 92.095):

(i) By disturbing or destroying a den, except that any muskrat pushup or feeding house may be disturbed in the course of trapping;

(ii) By disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that a firearm may be used to take beaver in Unit 18 from April 1 through June 10, and in Units 8, 22, and 23 throughout the seasons established herein;

(iv) Taking land otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same game management unit;

(v) Using a dog, net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation or by landing within one mile of a beaver trap or set used by the person transported;

(vii) Taking a wolf in Units 12 and 20(E) during March, April or October with a steel trap, or with a snare smaller than 3X;

(viii) Having been airborne and using a firearm to take or assist in taking an arctic fox, red fox, wolf, or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; this paragraph does not apply to a trapper using a firearm to dispatch a fox, wolf, or wolverine caught in a trap or snare;

(ix) Taking a red fox in Unit 15 by any means other than a steel trap or snare.

(5) The following methods and means of hunting waterfowl, snipe, and cranes for subsistence are prohibited, in addition to the prohibitions in paragraph (b)(1) of this section (derived from 5 AAC 92.100):

(i) With a rifle or pistol, a shotgun larger than 10 gauge, or a shotgun not plugged to 3 shell capacity;

(ii) From a motor-driven boat unless the motor has been completely shut off and the boat's progress from the motor's power has ceased;

(iii) From sunset to one-half hour before sunrise.

(c) Possession and Transportation of Wildlife (derived from 5 AAC 92.130 and 92.140):

(1) Unless otherwise provided, no person may take a species of game in any unit or portion of a unit if that person's total statewide take of that species already equals or exceeds the bag limit for that species in that unit or portion of a unit except as specified in paragraph (c)(3) of this section.

(2) The bag limit specified herein for a subsistence season for a species and the state bag limit set for a state general season for the same species are not separate and distinct. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional animals of that species under any other bag limit specified for a State general season.

(3) The bag limit specified for a trapping season for a species and the bag limit set for a hunting season for the same species are separate and distinct. This means that a person who has taken a bag limit for a particular species under a trapping season may take additional animals under the bag limit specified for a hunting season or vice versa.

(4) The bag limit for brown bear in Unit 20(E) is one bear per regulatory year; a bear taken in this unit does not count against the one bear for every regulatory year bag limit in other units.

(5) A bag limit applies to a regulatory year unless another time period is specified in the bag limit.

(6) No person may possess, transport, or give, receive or barter game or parts of game that the person knows or should know were taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(d) Evidence of sex and identity (derived from 5 AAC 92.150):

(1) No person may possess or transport a mountain sheep unless both horns accompany the animal if the subsistence take is restricted to a single sex.

(2) If the subsistence taking of a big game animal, except sheep, is restricted to one sex, no person may possess or transport the carcass of an animal unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, this section does not apply to the carcass of a big game animal that has been cut and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose bag limit includes an antler size or configuration restriction, no person may possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. A person possessing a set of antlers with less than the required number of brow tines on one antler shall leave the antlers naturally attached to the unbroken, uncut skull plate; however, this subsection does not apply to a moose carcass or its parts that have been cut and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(4) Until the hide has been sealed by a representative of the ADF&G, no person may possess or transport the hide of a brown bear taken in Unit 4 which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(e) A person who takes an animal that has been marked or tagged for scientific studies must, within a reasonable time, notify the ADF&G or an agency, if identified on the collar or marker, when and where the animal was killed. Any ear tag, collar, radio, tattoo, or other identification must be retained with the hide until it is sealed, if sealing is required, and in all cases any identification equipment must be returned to the ADF&G or to an agency identified on such equipment (derived from 5 AAC 92.160).

(f) Sealing of bear skins and skulls (derived from 5 AAC 92.156)

(1) As used in this section,

Bear means brown bears in all units, and black bears of all color phases taken in Units 1-7, 11-16, and 20;

Sealing certificate means a form used by the ADF&G for recording information when sealing a bear.

Temporary sealing form means a form available at ADF&G offices for providing information regarding date and location of bear kill, species of bear, name and address of the hunter, name of the guide, and other information requested by the ADF&G on the form;

(2) No person may possess, transport, or export from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of the ADF&G within 30 days after the taking, or a lesser time if requested by the ADF&G. The seal must remain on the skin until the tanning process has commenced. A brown bear taken in Units 8 or 12 may not be transported from that unit until it has been sealed. A brown bear taken in Unit 20(E) may not be transported from that unit, except to Tok, until it has been sealed.

(3) Except as provided in paragraph (c) of this Section, a person who kills a bear must personally present the skin and the skull to an authorized representative of the ADF&G for sealing within 30 days after the taking, or a shorter time if requested by the ADF&G, and must sign the sealing certificate at the time of sealing.

(4) A person who takes a bear but is unable to present the skin and skull in person must complete and sign a temporary sealing form and ensure that the completed temporary sealing form, along with the bear skin and skull, are presented to an authorized representative of the ADF&G for sealing within 30 days after the taking.

(5) If a person kills a brown bear, while on a guided hunt or while hunting with a resident relative, the hunter, as well as the guide or resident relative who accompanied the hunter, shall sign the sealing certificate. If a temporary sealing form is used, the hunter, as well as the guide or resident relative, shall sign the temporary sealing form.

(6) A person who possesses a bear shall keep the skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin. The ADF&G may require that the skull of the bear be skinned and that the skin and skull not be frozen at the time of sealing.

(7) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G.

(g) Sealing of Martin, Lynx, Beaver, Otter, Wolf, and Wolverine (derived from 5 AAC 92.170).

(1) No person may possess, transport, or export from the state the untanned skin of a marten taken in Units 1-5, 7, and 15, or the untanned skin of a lynx, beaver, land otter, wolf, or wolverine, whether taken inside or outside the state, unless the ADF&G has sealed the skin. The seal must remain on the skin until the tanning process has commenced or the skin has been transported from the state; however, the seal may be removed from the skin of a marten taken in Units 1-5 when the skin has been prepared for shipment from the state.

(2) The sealing of marten, lynx, beaver, land otter, wolf, or wolverine must be accomplished as follows:

(i) Wolf (in Unit 15(A)) taken by hunting or trapping must be sealed on or before the 5th day after the date of taking;

(ii) Wolf (except in Unit 15(A)), wolverine, and lynx taken by hunting must be sealed on or before the 30th day after the date of taking;

(iii) Marten (Units 1-5, 7, and 15 only), wolf (except in Unit 15(A)), wolverine, lynx, beaver, and otter taken by trapping must be sealed on or before the 30th day after the close of the season on or before the 30th day after the close of the season in the unit where taken.

(3) The sealing periods described in paragraph (g)(2) of this section may be temporarily reduced by an authorized employee of the ADF&G.

(4) A person who takes a species listed in paragraph (g)(2) of this section must bring the skin for sealing to an authorized representative of the ADF&G and must complete a report on a form provided by the ADF&G.

(h) No person may use game as food for a dog or furbearer, or as bait, except for the following (derived from 5 AAC 92.210):

(1) The hide, skin, viscera, head, or bones of game;

(2) The skinned carcass of a furbearer or fur animal;

(3) Red squirrels and small game; however, the breast meat of small game birds may not be used as animal food or bait;

(4) Legally taken unclassified game.

(i) The following definitions shall apply to this paragraph (derived from 5 AAC 92.220):

Edible meat means, in the case of big game animals, the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (stifle joint) and that portion of the animal between the front and hindquarters; in the case of wild fowl, the meat of the breast; however, edible meat of big game, wild fowl or fish does not include: meat of the head; meat that has been damaged and made inedible by the method of taking, bones, sinew and incidental meat reasonably lost as a result of boning or a close trimming of the bones; or viscera.

Wild fowl means species of wild bird for which seasons or bag limits have been established by State or Federal law.

(j) A person taking game for subsistence shall salvage the following parts for human use:

(1) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel and land otter, and the hide or meat of a beaver or muskrat;

(2) The hide, skull and edible meat of a brown bear;

(3) The hide, skull and edible meat of a black bear.

(k) A person who kills a big game animal or a species of wild fowl may not intentionally, knowingly, recklessly, or with criminal negligence fail to salvage

for human consumption the edible meat of the animal or fowl.

(l) Failure to salvage or possess the edible meat may not be a violation if due to circumstances beyond the control of a person, including theft of the animal or fowl, unanticipated weather conditions or other acts of God, or an unavoidable loss in the field to another wild animal.

(m) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (stifle joint), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less than \$2,500.

(n) It is unlawful for a person to possess the horns or antlers of a big game animal that was killed after the opening of the current or most recent lawful season for the animal unless the person also possesses the edible meat of the animal. However, this does not apply to the acquisition of the horns or antlers as a gift after the edible meat of the big game animal was salvaged, or the edible meat is no longer present due to personal consumption.

(o) Subsistence taking of fish or wildlife shall not be considered an emergency taking. Situations where emergency taking of wildlife are allowed are defined in paragraph (a)(13) of this Section.

(p)(1) Nothing in this subpart prohibits a person from taking wildlife in defense of life or property if (derived from 5 AAC 92.410):

(i) The necessity for the taking is not brought about by harassment or provocation of the animal or an unreasonable invasion of the animal's habitat;

(ii) the necessity for the taking is not brought about by the improper disposal of garbage or a similar attractive nuisance; and

(iii) all other practicable means to protect life and property are exhausted before the animal is taken.

(2) Wildlife taken in defense of life or property is the property of the State and is not a subsistence taking. A person taking such wildlife is required to salvage immediately the meat, or, in the case of a black bear, wolf, wolverine, or coyote, the hide including claws and surrender it to the State immediately. All bear hides surrendered (brown or black) must include claws. In the case of brown or grizzly bear, the hide and skull must be salvaged and surrendered to the State immediately. The person taking the wildlife must notify the ADF&G of the taking immediately and must submit

a written report of the circumstances of the taking of wildlife in defense of life or property to the ADF&G within 15 days of the taking. As used in this section, "property" is limited to:

- (i) A dwelling, permanent or temporary;
- (ii) An aircraft, boat, automobile, or other means of conveyance;
- (iii) A domesticated animal;
- (iv) Other property of substantial value necessary for the livelihood or survival of the owner. Game taken by hunters is not "property" in the sense of this regulation.

(q) Subsistence harvest of Endangered or Threatened species will conform to provisions of the Endangered Species Act, as amended, and its implementing regulations.

(r) Subsistence harvest of Marine Mammals will conform to the provisions of the Marine Mammal Protection Act, as amended, and its implementing regulations.

(s) Game management unit descriptions.

(1) Game Management Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Camano Point and all islands in Stephens Passage and Lynn Canal north of Taku Inlet;

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal and excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw, including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock, including Berner's Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, and excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(2) Game Management Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner

Strait, and east of the longitude of the westernmost point on Warren Island;

(3) Game Management Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait, including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands;

(4) Game Management Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3, including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands;

(5) Game Management Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills;

(i) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(ii) Unit 5(B) consists of the remainder of Unit 5;

(6) Game Management Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield, including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages;

(i) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla, including Kanak, Wingham, and Kayak Islands;

(ii) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(iii) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(iv) Unit 6(D) consists of the remainder of Unit 6;

(7) Game Management Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield, including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River;

(8) Game Management Unit 8 consists of all islands southeast of the centerline of Shelikof Strait, including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands;

(9) Game Management Unit 9 consists of the Alaska Peninsula and adjacent islands, including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage, drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands;

(i) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(ii) Unit 9(B) consists of the Kvichak River drainage;

(iii) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(iv) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay, including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(v) Unit 9(E) consists of the remainder of Unit 9;

(10) Game Management Unit 10 consists of the Aleutian Islands, Unimak Island and the Pribilof Islands;

(11) Game Management Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier;

(12) Game Management Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage;

(13) Game Management Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of

Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River;

(i) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(ii) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the

confluence of the Gulkana River and the Copper River, the point of beginning;

(iii) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(iv) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(v) Unit 13(E) consists of the remainder of Unit 13;

(14) Game Management Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River;

(i) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(ii) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(iii) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A);

(15) Game Management Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150° 00' W. crosses the coast line of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00' W. to the mouth of the Russian River, thence southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary;

(i) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(ii) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(iii) Unit 15(C) consists of the remainder of Unit 15;

(16) Game Management Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek

drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its junction with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kanitula Glacier;

(i) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltina River, east of the east bank of the Kahiltina River, and east of the Kahiltina River;

(ii) Unit 16(B) consists of the remainder of Unit 16;

(17) Game Management Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points, including Hagemeister Island and the Walrus Islands;

(i) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(ii) Unit 17(B) consists of the Nushagak River drainage upstream from and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(iii) Unit 17(C) consists of the remainder of Unit 17;

(18) Game Management Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthews, and adjacent islands between Cape Newenham and the Pastolik River;

(19) Game Management Unit 19 consists of the Kuskokwim River drainage upstream from Lower Kalskag;

(i) Unit 19(a) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(ii) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar

dome at Sparrevohn Air Force Base, including the Hoholtna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(iii) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(iv) Unit 19(D) consists of the remainder of Unit 19;

(20) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages and the Tanana River drainage north of the Unit 13 and downstream from the east bank of the Robertson River;

(i) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(ii) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(iii) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(iv) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding, the Banner Creek drainage;

(v) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(vi) Unit 20(F) consists of the remainder of Unit 20;

(21) Game Management Unit 21 consists of drainages into the Yukon

River upstream from Paimiut to but not including the Tozitna River drainage on the north bank, and to but not including the Tanana River drainage on the south bank, and excluding the Koyukuk River drainage upstream from the Dulbi River drainage;

(i) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(ii) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(iii) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(iv) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(v) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage;

(22) Game Management Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers;

(i) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(ii) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(iii) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(iv) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of but not including the Tisuk River to and including Cape York, and St. Lawrence Island;

(v) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomed Island and Fairway Rock;

(23) Game Management Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne;

(24) Game Management Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage;

(25) Game Management Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River;

(i) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjek Creek, the Coleen River drainage, and the Old Crow River drainage;

(ii) Unit 25(B) consists of Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainage into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(iii) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(iv) Unit 25(D) consists of the remainder of Unit 25;

(26) Game Management Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border, including the Firth River drainage within Alaska;

(i) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River

drainage, and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(ii) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(iii) Unit 26(C) consists of the remainder of Unit 26.

(t) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(1) Unit 1(A). (i) In the Ketchikan area, a strip one-fourth mile wide on each side of the Tongass Highway system, including the Ward, Connel, and Harriet Hunt Lake Roads, is closed to the taking of big game;

(ii) in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bears;

(2) Unit 1(B). The Anan Creek drainage is closed to the taking of black bears;

(3) Unit 1(C). (i) Unit 1(C) is closed to the taking of snow geese;

(ii) in the Juneau area, that area between the coast and a line one-fourth mile inland of the following road systems is closed to the taking of big game: Glacier Highway from Mile 0 to Mile 24 at Peterson Creek, Douglas Highway from the Douglas city limits to Milepost 7 on the North Douglas Highway, Mendenhall Loop Road, and Thane Road;

(iii) the area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(iv) the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(v) Auke Lake is closed to the taking of waterfowl;

(vi) Mt. Juneau drainage, bounded by the Glacier Highway, Salmon Creek and its reservoir, a line from the head of the Salmon Creek drainage to the head of Granite Creek, and down Granite Creek and Gold Creek to the Glacier Highway, is closed to the taking of mountain goat;

(4) Unit 1(D). A strip one-fourth mile wide on each side of the Lutak Road between Mile 7 and Chilkoot Lake, and from the Chilkoot River bridge to the end of the Lutak Road spur at the head of Lutak Inlet, is closed to the taking of big game;

(5) Unit 3. (i) A strip one-fourth mile wide on each side of the Stikine (Zimovia) Highway from the Wrangell city limits to Milepost 9 is closed to the taking of big game;

(ii) in the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to the Crystal Lake campground is closed to the taking of big game, except wolves;

(iii) the Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(iv) Blind Slough, draining into Wrangell Narrows, and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting; the remainder of Blind Slough and its drainage is closed to the taking of snow geese only;

(6) Unit 4. (i) In the Sitka area, a strip one-fourth mile wide on each side of all State highways is closed to the taking of big game;

(ii) the Seymour Canal Closed Area (Admiralty Island), including all drainages into northwestern Seymour Canal between Staunton Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay, and including Swan and Windfall Islands, is closed to the taking of bears;

(iii) the Salt Lake Bay Closed Area (Admiralty Island), including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(iv) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(v) Northeast Chichagof Controlled Use Area, consisting of that portion of Unit 4 on Chichagof Island north of Tenakee Inlet and east of Port Frederick, is closed to the use of any motorized land vehicle for brown bear hunting;

(7) Unit 6. (i) the Goat Mountain goat observation area, which consists of that portion of Unit 6 bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(ii) the Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat;

(8) Unit 7. (i) the Portage Glacier Closed Area in Unit 7, which consists of

Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, migratory birds and small game may be hunted with shotguns after September 1;

(ii) the Exit Glacier Closed Area in Unit 7, which consists of the south side drainages of the Resurrection River downstream from the mouth of Redman Creek, and Resurrection Bay drainages between the mouth of the Resurrection River and the mouth of Lowell Creek, is closed to the taking of big game;

(iii) the Cooper Landing Closed Area, which consists of that portion of Units 7 and 15 bounded by a line from the junction of the Sterling Highway and the Chugach National Forest boundary, then along the national forest boundary to Thurman Creek, then southeasterly along Thurman Creek and the northeast side of Trout Lake, then to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the North Fork of Falls Creek and over the connecting saddle to Devils Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway and then to the point of beginning, is closed to the taking of Dall sheep and mountain goat;

(iv) the Resurrection Creek Closed Area, which consists of the drainage of Resurrection Creek downstream from Rimrock and Highland Creeks, including Palmer Creek, is closed to the taking of moose;

(9) Unit 9. (i) In Unit 9 in the McNeil River State Game Sanctuary, the McNeil River drainage, Mikfik Creek drainage, and all drainages into McNeil Cove from Akjemguiga Cove to McNeil Head, are closed to hunting, and the remainder of the McNeil River State Game Sanctuary and contiguous tidelands are closed to brown bear hunting; access to the sanctuary is by permit only issued by the State of Alaska;

(ii) Unit 9(E) is closed to the taking of Canada geese;

(iii) that portion of Unit 9 extending south and east of McNeil River State Game Sanctuary to the boundary of Katmai National Park and Preserve, and including any State land within the boundaries of Katmai National Park and Preserve, is closed to brown bear hunting;

(10) Unit 10. (i) Unit 10, except Unimak Island, is closed to the taking of Canada geese; and

(ii) Otter Island in the Pribilof Islands is closed to hunting;

(11) Units 12, 13, and 20. (i) The Tok Management Area:

(A) The area consists of those portions of Units 12, 13(C), and 20(D) bounded by a line along the Alaska Highway east from the east side of the Johnson River bridge to Tok Junction, then south along the Tok-Slana cutoff (Glenn Highway) to the Slana River, then west along the north bank of the Slana River to its confluence with Lost Creek, then up the north side of Lost Creek to the divide between Lost Creek and Jack Creek, then north to the Unit 12 boundary, then west along the Unit 12 boundary to Mount Kimball (63°17' N. lat., 144°40' W. long.), then west in a straight line to Mount Gakona (63°17' N. lat., 145°12' W. long.), then northerly along the east bank of the Johnson Glacier and Johnson River to the Johnson River bridge;

(B) The area is open to sheep hunting by permit only;

(ii) [Reserved]

(12) Units 13 and 20. (i) Delta Controlled Use Area:

(A) The area consists of the drainages of the Tanana River south of the Alaska Highway, from the west bank of the Johnson River to and including drainages of the Delta River north of north bank of Miller Creek and Canwell Glacier in Units 13(B), 20(A), and 20(D);

(B) The area is closed to the use of any motorized vehicle or pack animal for hunting, from August 5 through August 25; however, this does not prohibit motorized access to the area for hunting, or transportation of game on the Richardson Highway;

(ii) [Reserved]

(13) Unit 13. (i) The Paxson Closed Area in Unit 13(B), which consists of the eastern drainage of the Gulkana River lying west of the Richardson Highway and the western drainage of the Gulkana River between the Denali Highway and the north end of Paxson Lake where the Gulkana River enters Paxson Lake, is closed to the taking of big game;

(ii) The Sheep Mountain Closed Area which lies along the Glenn Highway in Unit 13(A) and is bounded by a line from Caribou Creek, Milepost 107 Glenn Highway, then easterly along the Glenn Highway to Milepost 123, then north to Squaw Creek, then downstream to Caribou Creek, then down Caribou Creek to the point of beginning, is closed to the taking of mountain goat and Dall sheep;

(iii) The Sourdough Controlled Use Area:

(A) The area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana

River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning;

(B) The area is closed to the use of any motorized vehicle for hunting; however, this does not prohibit motorized access or transportation of game on the Richardson Highway, Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Alaska Department of Fish and Game;

(iv) The Clearwater Creek Controlled Use Area:

(A) The area consists of that portion of Unit 13(B) north of the Denali Highway, west of and including the MacLaren River drainage, east of and including the eastern bank drainage of the Middle Fork of the Susitna River downstream from and including the Susitna Glacier, and the eastern bank drainages of the Susitna River downstream from its confluence with the Middle Fork;

(B) The area is closed to the use of any motorized vehicle for hunting; however, this does not prohibit motorized access, or transportation of game, on the Denali Highway;

(v) The Tonsina Controlled Use Area:

(A) The area consists of that portion of Unit 13(D) bounded on the west by the Richardson Highway from the Tielke River to the Tonsina River at Tonsina, on the north along the south bank of the Tonsina River to where the Edgerton Highway crosses the Tonsina River, then along the Edgerton Highway to Chitina, on the east by the Copper River from Chitina to the Tielke River, and on the south by the north bank of the Tielke River;

(B) The area is closed to the use of any motorized vehicle or pack animal for hunting, from August 5 to September 30;

(14) Unit 14. (i) The Fort Richardson Management Area, consisting of the Fort Richardson Military Reservation, is open to the taking of big game by permit only;

(ii) The Eagle River Management Area, consisting of the Eagle River drainage upstream from the Glenn Highway in Unit 14(C) is closed to hunting, except sheep hunting by permit;

(iii) The Anchorage Management Area:

(A) The area consists of all Cook Inlet drainages south of the Elmendorf and Fort Richardson military reservations

and north of and including Rainbow Creek, but excluding the Anchorage Coastal Wildlife Refuge;

(B) The Anchorage Management Area is closed to hunting, except that:

(1) Moose hunting is allowed by State of Alaska permit only;

(2) Small game and waterfowl may be taken by falconry, except that waterfowl may not be taken in the Ship Creek drainage west of Post Road;

(iv) The Eklutna Lake Management Area:

(A) The area consists of the drainages of Eklutna River and Eklutna Lake in Unit 14(C) upstream from the Glenn Highway, excluding those drainages flowing into the East Fork of Eklutna River upstream from the bridge above the Lake and Thunderbird Creek;

(B) The area is closed to hunting, except that—

(1) Small game may be taken by bow and arrow only, from the day after Labor Day through April 30;

(2) Moose hunting is allowed by permit with bow and arrow only;

(3) Black bear may be taken by bow and arrow only, from the day after Labor Day to May 20, for one bear only;

(4) Sheep may be taken by permit, and by bow and arrow only, from the day after Labor Day through September 30;

(v) The Chugach State Park Management Area:

(A) The area consists of that portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna Management Areas;

(B) The area is open to hunting under regulations governing Unit 14(C), except as follows:

(1) Black bear hunting is open from the day after Labor Day through May 20 for 1 bear only;

(2) No hunting is allowed for brown bear, mountain goat, squirrel, wolf, wolverine, coyote and unclassified game;

(vi) The Peters Creek Management Area:

(A) The area consists of all lands bounded on the south and west by Eagle River and the Fort Richardson Military Reservation, on the east by the old Glen Highway, and on the north by Peters Creek;

(B) The area is closed to hunting except that:

(1) Small game may be taken by shotgun or bow and arrow only, north and west of the Alaska Railroad;

(2) Moose hunting is allowed by drawing permit, by bow and arrow only;

(15) Unit 15. (i) The Moose River Closed Area near Sterling in Unit 15(A), which consists of the area on and within one-quarter mile of the Moose River between the Kenai National Moose

Range boundary and the Sterling Highway, is closed to the taking of waterfowl;

(ii) The Kenai Controlled Use Area, consisting of that portion of Unit 15(A) north of the Sterling Highway, is closed during moose-hunting season to the use of aircraft for hunting moose, including transportation of a moose hunter or moose part; however, this does not apply after 12:01 a.m., September 11, and does not apply to transportation of a moose hunter or moose part by aircraft to or from a publicly owned airport in the controlled use area;

(iii) The Lower Kenai Controlled Use Area, consisting of Unit 15(C), is closed to the use of any motorized vehicle except an aircraft or boat for hunting moose from September 11 through September 20, including transportation of a moose hunter or moose part; however, this does not apply to a motorized vehicle on a state- or borough-maintained highway;

(vi) The Skilak Loop Management Area:

(A) The area consists of that portion of Unit 15(A) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning;

(B) The area is closed to hunting and trapping except that small game may be taken only from October 1 through March 1 by bow and arrow only, and antlerless moose may be taken by permit only;

(16) Unit 17. (i) All islands and adjacent waters within one-half mile of each island in the Walrus Islands State Game Sanctuary, as described in Alaska Statute 16.20.110, except for those islands known as the Twins and their adjacent waters are closed to hunting;

(ii) The Upper Mulchatna Controlled Use Area:

(A) The area consists of Unit 17 (B);

(B) The area is closed to the use of any motorized vehicle, except aircraft and boats and in legally permitted hunting camps, for hunting big game from August 1 to November 1, including transportation of big game hunters and parts of big game.

(17) Unit 18—the Kalskag Controlled Use Area. (i) The area consists of that

portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, north-westerly to Russian Mission on the Kuskokwim River, north-westerly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag;

(ii) This area is closed to the use of aircraft for hunting big game, including transportation of any big game hunter and big game part; however, this does not apply to transportation of a big game hunter or big game part by aircraft to or from a publicly owned airport in the controlled use area;

(18) Unit 19—the Upper Kuskokwim Controlled Use Area. (i) The area consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50' W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf bench mark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning;

(ii) The area is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft to or from a publicly owned airport in the controlled use area;

(19) Units 20, 24, 25, and 26—the Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(20) Unit 20. (i) Birch Lake and the area within one-half mile of Birch Lake (Mile 56 Richardson Highway) is closed to the taking of big game;

(ii) Harding Lake and the area within one-half mile of Harding Lake (Mile 44 Richardson Highway) is closed to the taking of big game;

(iii) Lost Lake and the area within one-half mile of Lost Lake (Mile 56 Richardson Highway) is closed to the taking of big game with firearms and crossbows;

(iv) The Delta Junction Closed Area (Unit 20(D) near Delta Junction), which consists of that portion of Unit 20(D) bounded by a line beginning at the confluence of Donnelly Creek and the Delta River, then up Donnelly Creek to the Richardson Highway (Mile 238), then north along the east side of the highway to the coal mine road (Mile 242), then east along the south side of the coal mine road to the junction with the trail to Jarvis Creek, then down the east bank of Jarvis Creek to the 33-Mile Loop Road crossing (Mile 12), to the "12 mile crossing trail" (Mile 246.9), then east along the south side of the "12 mile crossing trail" and across Jarvis Creek to the 33-mile loop then northeast along the 33-Mile Loop Road to the intersection with the Alaska Highway (Mile 1414), then southeast along the north side of the Alaska Highway to the bridge at Sawmill Creek (Mile 1403.9), then down the west bank of Sawmill Creek to its confluence with Clearwater Creek and down the south bank of Clearwater Creek to its confluence with the Tanana River, then down the Tanana River to its confluence with the Delta River, and upstream along the east bank of the Delta River to the point of beginning at Donnelly Creek, is closed to the taking of moose;

(v) The Glacier Mountain Controlled Use Area:

(A) The area consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank

of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway;

(B) The area is closed to the use of any motorized vehicle for hunting, from August 5 to September 20; however, this does not prohibit motorized access via, or transportation of game on, the Taylor Highway or any airport;

(vi) The Wood River Controlled Use Area:

(A) The area consists of that portion of Unit 20(A) bounded on the north by the south side of the Rex Trail beginning at its intersection with the Totatlanika River then easterly along the Rex Trail to Gold King airstrip, then from Gold King airstrip along the trail's extension along the north side of Japan Hills to the Wood River; on the east by the Wood River, including the Wood River drainage upstream from and including the Snow Mountain Gulch Creek drainage; on the south side by the divide separating the Yanert River drainage from the drainages of Healy Creek, Moody Creek, Montana Creek and the Wood River; and on the west by the east bank of the Nenana River from the divide separating the drainage of the Yanert River and Montana Creek north to Healy Creek, then easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters, then along a straight line to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, and then down the east bank of the Totatlanika River to the Rex Trail;

(B) The area is closed to the use of any motorized vehicle except aircraft for big game hunting and transportation of any big game part, from August 1 through September 30;

(vii) The Macomb Plateau Controlled Use Area, consisting of that portion of Unit 20(D) south of the Alaska Highway, draining into the south side of the Tanana River between the east bank of the Johnson River upstream to Prospect Creek, and the east bank of Bear Creek (Mile 1357.3), is closed to the use of any motorized vehicle, except a floatplane on Fish Lake, for hunting or transportation of any game part, from August 10 through September 30;

(viii) The Yanert Controlled Use Area, consisting of that portion of Unit 20(A) drained by the Nenana River upstream from and including the Yanert Fork drainage, is closed to the use of any motorized vehicle, except aircraft, for big game hunting and transportation of any big game part; however, this does not prohibit motorized access via, and

transportation of game on, the Parks Highway;

(ix) The Minto Flats Management Area:

(A) The area consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning;

(B) The area is open to moose hunting by permit only;

(x) The Fairbanks Management Area consists of the Goldstream subdivision (SE1/4 SE1/4 Section 28 and Section 33, Township 2 North, Range 1 West, and Fairbanks Meridian) and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to the divide between Rosie Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning;

(xi) The Ferry Trail Management Area:

(A) The area consists of that portion of Unit 20(A) bounded on the north by the Rex Trail; on the west by the east bank of the Nenana River from its intersection with the Rex Trail south to the divide forming the north boundary of the Lignite Creek drainage; on the south by that divide easterly and southerly to the headwaters of Sanderson Creek at Usibelli Peak, then along a southwesterly line to the confluence of Healy Creek and Coal Creek, then upstream along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek

to its headwaters; on the east by a straight line from the headwaters of Healy Creek to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, then down the east bank of the Totatlanika River to the Rex Trail;

(B) The area is open to caribou hunting by permit only;

(xii) The Healy-Lignite Management Area:

(A) The Area consists of that portion of Unit 20 (A) that includes the entire Lignite Creek drainage, and that portion of the Nenana River drainage south of the Lignite Creek drainage and north of a boundary beginning at the confluence of the Nenana River and Healy Creek, then easterly along the south bank of Healy Creek to its confluence with Coal Creek, then northeasterly to the headwaters of Sanderson Creek at Usibelli Peak;

(B) The area is open to hunting by bow and arrow only.

(21) Units 21 and 24—the Koyukuk Controlled Use Area. (i) The area consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°N. lat., 157° 41' W. long.), then easterly to the south end of Solismunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochta Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning;

(ii) the area is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft to or from a publicly owned airport in the controlled use area; all hunters on the Koyukuk River passing the Department of Fish and Game operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to department personnel at the check station;

(22) Unit 21—Paradise Controlled Use Area. (i) The area consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the

mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut;

(ii) The area is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft to or from a publicly owned airport in the controlled use area;

(23) Unit 23—The Noatak Controlled Use Area, consisting of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Kuguruk River, and extending easterly along the Noatak River to the mouth of Sapun Creek, is closed for the period August 20–September 20 to the use of aircraft in any manner for big game hunting, including transportation of big game hunters or game.

(24) Unit 24—The Kanuti Controlled Use Area, consisting of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR, closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft to or from a publicly owned airport in the controlled use area;

(25) Unit 26—The Prudhoe Bay Closed Area is closed to the taking of big game; this closed area consists of the area bounded by a line beginning at 70° 22' N. lat., 148° W. long., then running south approximately 14 miles to a point at 70° 10' N. lat., 148° W. long., then west approximately 15 miles to a point at 70° 10' N. lat., 148° 40' W. long., then north approximately two miles to a point at 70° 12' N. lat., 148° 40' W. long., then west approximately eight miles to a point at 70° 12' N. lat., 148° 56' W. long., then north approximately two miles to a point at 70° 15' N. lat., 148° 56' W. long., then west approximately 12 miles to a point at 70° 15' N. lat., 149° 28' W. long.,

then north approximately 12 miles to a point at 70° 26' N. lat., 149° 28' W. long., then east approximately 14 miles to a point at 70° 26' N. lat., 148° 52' W. long., then south approximately 2 miles to a point at 70° 24' N. lat., 148° 52' W. long., then east approximately 16 miles to a point at 70° 24' N. lat., 148° 11' W. long., then south approximately 2 miles to a point at 70° 24' N. lat., 148° 11' W. long., then east approximately 6 miles to the point of beginning.

(u) The following areas are closed to the trapping of furbearers for subsistence as indicated:

(1) Unit 1(C) (Juneau area):

(i) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(ii) Auke Lake and the area within one-quarter mile of Auke Lake;

(iii) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(iv) A strip within one-quarter mile of the Douglas Island coast along the entire length of the Douglas Highway and a strip within one-quarter mile of the Eaglecrest Road;

(v) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(vi) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and the Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) The area described as the Mendenhall Wetlands State Game Refuge in Alaska Statute 16.20.034 is closed to trapping; the use of off-road or all-terrain vehicles, motorcycles, or other motorized vehicles (except boats) within the boundaries of Mendenhall Wetlands State Game Refuge is prohibited at all times;

(2) Unit 9: The drainages of McNeil River, Mikfik Creek and all other drainages into McNeil Cove which extends from Akjengua Cove on the north to McNeil Head on the south, located at the head of Kamishak Bay, in

the lower Cook Inlet are closed to trapping; access to the McNeil River State Game Sanctuary is by permit only;

(3) Unit 14(C) (Anchorage Area):

(i) The drainages into Eklutna River and Eklutna Lake, excluding those drainages flowing into the East Fork of the Eklutna River, upstream from the bridge above the lake, within the Chugach State Park except Thunderbird Creek;

(ii) Eagle River and all drainages into Eagle River;

(iii) That portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna Management areas is open to trapping under Unit 14(C) seasons and bag limits, except no trapping of wolf, wolverine, land otter, or beaver is allowed;

(iv) All land and water within the Anchorage Management Area as described in the preceding Subsection;

(v) In the Anchorage Coastal Wildlife Refuge in Unit 14(C), described in Alaska Statute 16.20.031: all land and water south and west of and adjacent to the toe of the bluff that extends from Point Woronzof southeasterly to Potter Creek;

(4) Unit 15. (i) Within the city limits of Homer (Unit 15) as those limits existed in November 1987;

(ii) The Skilak Loop Wildlife Management Area, consisting of that portion of Unit 15(A) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop Road (milepost 58.0), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kena River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning;

(iii) That portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

(5) Unit 17: All islands within the Walrus Islands State Game Sanctuary as described in Alaska Statute 16.20.110 are closed to trapping.

(v) Regulations in this section govern only subsistence take of big game, small game, fur animals and unclassified game, and include season, area, and permit restrictions. Game may not be taken for subsistence except as specifically provided in this chapter.

BIG GAME ANIMALS

Units and bag limits	Subsistence open season
Black Bear—seasons and bag limits	
Units 1, 2, 3, and 5—2 bears, not more than 1 of which may be a blue or glacier bear.....	Sept. 1–June 30.
Unit 6—1 bear.....	Sept. 1–June 30.
Units 7, 9, 11–13, and 15–26—3 bears.....	No closed season.
Unit 14—1 bear.....	No closed season.
Brown Bear—season and bag limits	
Unit 1—1 bear by registration permit only.....	Sept. 15–Dec. 31, Mar. 15–May 31.
Units 2 and 3.....	No open season.
Unit 4, Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136°21' W. long.), to Rodgers Point (57°35' N. lat., 135°33' W. long.), including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nisimeni Point (57°34' N. lat., 135°25' W. long.), to the entrance of Gut Bay (56°44' N. lat., 134°38' W. long.), including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear by registration only.	Sept. 15–Dec. 31, Mar. 15–May 31.
Unit 4, that portion in the Northeast Chichagof Controlled Use Area—1 bear by registration permit only.....	Mar. 15–May 20.
Remainder of Unit 4—1 bear by registration permit only.....	Sept. 15–Dec. 31, Mar. 15–May 20.
Unit 5—1 bear every four years.....	Sept. 1–May 31.
Units 6, 7, and 8.....	No open season.
Unit 9(B)—1 bear every four years.....	Oct. 1–Oct. 21 (odd years only) May 10–May 25 (even years only).
Unit 9(E)—1 bear every four years.....	Oct. 7–Oct. 21 (odd years only) May 10–May 25 (even years only).
Remainder of Unit 9.....	No open season.
Units 10–16.....	No open season.
Units 17(A) and 17(C)—1 bear every four years.....	Sept. 10–Oct. 10, April 10–May 25.
Unit 17(B)—1 bear every four years.....	Sept. 20–Oct. 10, May 10–May 25.
Unit 18—Residents domiciled in Kwethluk: 1 bear every year. All others: 1 bear every 4 years.....	Sept. 10–Oct. 10, Apr. 10–May 25.
Units 19(A), 19(D), and 21(A)—1 bear every four years.....	Sept. 1–Oct. 10, May 10–May 25.
Remainder of Unit 19.....	No open season.
Unit 20 except 20(E)—1 bear every four years.....	Sept. 1–Nov. 30, Apr. 1–May 31.
Unit 20(E).....	No open season.
Unit 21(B), 21(C), 21(D), and 21(E)—1 bear every four years.....	Sept. 1–Dec. 31, Apr. 1–May 25.
Remainder of Unit 21.....	No open season.
Unit 22(A)—1 bear every four years.....	Sept. 1–Oct. 31, Apr. 15–May 25.
Unit 22(C)—1 bear every four years.....	Sept. 1–Oct. 31, May 10–May 25.
Remainder of Unit 22—1 bear every four years.....	Sept. 1–Oct. 31, Apr. 15–May 25.
Unit 23—1 bear every four years.....	Sept. 1–Oct. 10, Apr. 15–May 25.
Unit 24—That portion of the Koyukuk River drainage upstream from, and including the Alatna River drainage. Residents of Anaktuvuk Pass: 1 bear every year.	Sept. 1–Oct. 31, Apr. 1–May 31.
All other subsistence hunters: 1 bear every four years by registration permit.....	Sept. 1–Oct. 31, May 10–May 31.
Remainder of Unit 24—1 bear every four years.....	Sept. 1–Dec. 31, May 10–May 25.
Unit 25.....	No open season.
Unit 26(A), east of 159° W. long. Residents of Anaktuvuk Pass: 1 bear every year.....	Sept. 1–Oct. 31, Apr. 1–May 31.
Other subsistence hunters—1 bear every four years.....	Sept. 1–Oct. 31, May 10–May 31.
Unit 26(A), west of 159° W. long.—1 bear every four years.....	Sept. 1–Oct. 31, May 10–May 31.
Units 26(B) and (C)—1 bear every four years.....	Sept. 1–Oct. 31, May 10–May 31.
Caribou—seasons and bag limits	
Unit 7.....	No open season.
Unit 8—No limit.....	No closed season.
Units 9(A), 9(B), 9(C), 9(E), 17(B), and that portion of 17(C) east of the Nushagak River—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Aug. 31 and no more than 1 caribou may be taken Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
Unit 9(D) and Unit 10, Unimak Island only—1 bull.....	Sept. 1–May 31.
Unit 10, Adak Island only 2 caribou by registration permit only.....	Sept. 1–Mar. 31.
Unit 10, Umnak Island only.....	No open season.
Remainder of Unit 10.....	No closed season.
Unit 11—1 caribou, by registration permit only.....	Aug. 10–Sept. 30.
Unit 12, residents of Tetlin and Northway only 1 antlerless caribou by Federal registration permit only.....	Open by announcement only.
Units 12 and 20(D) north of the south bank of the Tanana River downstream from the bridge at milepost 1303 Alaska Highway and north of the Alaska Highway from the bridge at milepost 1303 to the Canadian Border—1 caribou.	Aug. 10–Sept. 30, Dec. 1–Feb. 28.
Remainder of Unit 12—1 bull.....	Sept. 1–Sept. 20.
Units 13 and 14(B)—1 caribou by registration permit only. During the Jan. 1–Feb. 28 season, caribou may be taken in Unit 13 except for Unit 13(B) and except for that portion of Unit 13(A) within one-half mile of the Alaska Pipeline.	Aug. 10–Sept. 20, Jan. 1–Feb. 28.
Units 13 and 14(B).....	Aug. 10–Sept. 20.
Residents of Units 11, 13 and 12 along the Nabesna Road—1 caribou by Federal registration permit only.....	Jan. 5–Mar. 31.
Units 14(A) and 14(C), and remainder of Unit 15.....	No open season.
Unit 16—1 caribou.....	Aug. 10–Oct. 31.
Unit 17(A) and that portion of Unit 17(C) west of Nushagak River.....	No open season.
Unit 18 south of the Yukon River.....	No open season.
Remainder of Unit 18—1 caribou.....	Feb. 1–Mar. 31.
Unit 19—Residents domiciled in Lime Village only: Village bag limit of 100 caribou; cows and calves may not be taken from April 1–Aug. 9.	Feb. 1–Mar. 31, July 1–June 30.
Unit 19(A) north of Kuskokwim River—1 caribou.....	Aug. 10–Sept. 30, Nov. 1–Feb. 28.
Unit 19(A) south of the Kuskokwim River, and Unit 19(B) (excluding residents of Lime Village): 4 caribou; however, no more than 2 caribou may be taken Aug. 10–Aug. 31 and no more than 1 caribou may be taken Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
Unit 19(C)—1 Caribou.....	Aug. 10–Oct. 10.
Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou.....	Aug. 10–Sept. 30, Nov. 1–Jan. 31.
Remainder of Unit 19(D)—1 Caribou.....	Aug. 10–Sept. 30.

BIG GAME ANIMALS—Continued

Units and bag limits	Subsistence open season
Unit 20(C).....	No open season.
Unit 20(D) south of the Tanana River—1 bull.....	Aug. 10–Sept. 30
Unit 20(E), that portion drained by the Yukon River downstream from and including the Seventy-mile and Charley Rivers, the North Fork Forty-mile River upstream from and including Independence Creek, the Middle Fork Forty-mile River upstream from Fish Creek, and the Mosquito Fork Forty-mile River upstream from and including Ketchumstruck Creek—1 caribou.....	Aug. 10–Sept. 30, Dec. 1–Feb. 28.
Remainder of Unit 20(E) accessible by the Taylor Highway and associated trails—1 caribou by registration permit only.....	Aug. 10–Sept. 30, Dec. 1–Feb. 28.
Unit 20(F), except the Tozitna River drainage, south of the Yukon River and west of the Dalton Highway—1 bull.....	Aug. 10–Sept. 20.
Unit 20(F), Tozitna River drainage—1 caribou only bull caribou may be taken during the Aug. 10–Sept. 30 season; caribou of either sex may be taken during the Mar. 1–Mar. 15 season.....	Aug. 10–Sept. 30, Mar. 1–Mar. 15.
Remainder of Unit 20(F)—1 bull.....	Aug. 10–Sept. 30.
Unit 21, except Unit 21(D) west of the Yukon and Koyukuk Rivers—1 caribou.....	Aug. 10–Sept. 30.
Unit 21(D) west of the Yukon and Koyukuk Rivers, Units 22(A), 22(B), 23, and 26(A) (except the Nanushuk River drainage)—5 caribou per day; however, cow caribou may not be taken May 16–June 30.....	July 1–June 30.
Units 22(C), 22(D), and 22(E).....	No open season.
Unit 24, the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek), and that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull.....	Aug. 10–Sept. 30.
Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30.....	July 1–June 30.
Units 25(A), 25(B), and the remainder of Unit 25(D)—10 caribou; however, no more than 5 caribou may be transported from these units per regulatory year.....	July 1–Apr. 30.
The Nanushuk River drainage of Unit 26(A), and Unit 26 (B)—5 caribou; however, cow caribou may be taken only from Oct. 1–April 30.....	July 1–Apr. 30.
Unit 26(C)—10 caribou; however, not more than 5 caribou may be transported from Unit 26(C) per regulatory year.....	July 1–Apr. 30.
Dall Sheep—seasons and bag limits	
Units 6 and 9, remainder of Unit 13, and Units 14(B), 16, 17, and 19—1 ram with $\frac{3}{4}$ curl horn.....	Aug. 10–Sept. 20.
Unit 11—1 sheep.....	Aug. 10–Sept. 20.
Unit 23: south and east of the Noatak River (excluding Gates of the Arctic National Park)—1 ram with $\frac{3}{4}$ curl horn or larger; a registration permit is required.....	Aug. 10–Sept. 20.
Unit 23 (Remainder)—1 sheep.....	Oct. 1–Apr. 30.
Units 25(A) and 26(C)—3 sheep, 1 ram with $\frac{3}{4}$ curl horn or larger.....	Oct. 1–Apr. 30, Aug. 10–Sept. 20.
Remainder of Unit 25—1 ram with a full curl horn or larger.....	Aug. 10–Sept. 20.
Unit 24 and 26(A), those portions within the Gates of the Arctic National Park—3 sheep.....	Aug. 1–Apr. 30.
Remainder of Units 24, 26(A), and 26(B), including the Gates of the Arctic National Preserve—1 ram with $\frac{3}{4}$ curl horn or larger.....	Aug. 10–Sept. 20.
All other units.....	No open season.
Deer—seasons and bag limits	
Unit 1(A) and 2—4 antlered deer.....	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer.....	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31.....	Aug. 1–Dec. 31.
Unit 3, that portion south of Sumner Strait and Decision Passage, including the Vank Island group, but not including Level, Conclusion, and Channel Islands—2 antlered deer.....	Aug. 1–Nov. 30.
Remainder of Unit 3.....	No open season.
Unit 4, that portion of Chichagof Island east of Port Frederick and north of Tenakee Inlet, including all drainages into Tenakee Inlet and Port Frederick—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.....	Aug. 1–Jan. 31.
Remainder of Unit 4—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.....	Aug. 1–Jan. 31.
Unit 1(D) and 5.....	No open season.
Unit 6—5 deer; however, 2 antlered deer.....	Aug. 1–Dec. 31.
Remainder of Unit 3.....	No open season.
Unit 4, that portion of Chichagof Island east of Port Frederick and north of Tenakee Inlet, including all drainages into Tenakee Inlet and Port Frederick—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.....	Aug. 1–Jan. 31.
Remainder of Unit 4—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.....	Aug. 1–Jan. 31.
Unit 1(D) and 5.....	No open season.
Unit 6—5 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31.....	Aug. 1–Dec. 31.
Unit 8, that portion of Kodiak Island north of the access road from Port Lions to Crescent Lake (57°52' N. lat., 152°58' W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island north of a line from Sequel Point to Pasagshak Pass, and north of the area draining into Ugak Bay east of a line from the mouth of Sality Creek to Crag Point—1 deer; however, antlerless deer may be taken only from Oct. 1–Oct. 31.....	Aug. 1–Dec. 15.
Unit 8, that portion of Kodiak Island east of a line from the mouth of Sality Creek to Crag Point draining into Ugak Bay, and south of a line from Sequel Point to Pasagshak Pass—1 deer; however, antlerless deer may be taken only from Oct. 1–Oct. 31.....	Aug. 1–Dec. 15.
Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 7.....	Aug. 1–Jan. 7.
Goat—seasons and bag limits	
Unit 1(A), Revillagigedo Island only.....	No open season.
Unit 1(B), that portion between Muddy River and LeConte Bay including the drainages into the North side of LeConte Bay—1 goat by registration permit only; however, the taking of kids or nannies accompanied by kids is prohibited.....	Aug. 1–Dec. 31.
Remainder of Unit 1(A) and Unit 1(B)—2 goats by registration permit only.....	Aug. 1–Dec. 31.
Unit 1(C), that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River—1 goat by registration permit only.....	Oct. 1–Nov. 30.
Unit 1(C), that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier, and all drainages of the Chilkat Range south of the Endicott drainage.....	No open season.
Remainder of Unit 1(C)—1 goat by registration permit only.....	Aug. 1–Nov. 30.
Unit 1(D), that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad.....	No open season.

BIG GAME ANIMALS—Continued

Units and bag limits	Subsistence open season
Unit 1(D), that portion lying north of the Katzeihin River and northeast of the Haines Highway—1 goat by registration permit only.	Sept. 15–Nov. 30.
Remainder of Unit 1(D), and Units 4 and 5—1 goat by registration permit only.	Aug. 1–Dec. 31.
Unit 6(D), that portion in the Tatilek hunt area—1 goat by registration permit only.	Aug. 1–Jan. 31.
Unit 6(D) that portion in the Chenega Bay hunt area—1 goat by registration permit only.	Aug. 1–Jan. 31.
Remainder of Unit 6—1 goat by registration permit only.	Aug. 1–Jan. 31.
Units 7 and 15(C), those portions in the Seldovia, Brown Mountain and Port Dick hunt subareas—1 goat by registration permit only.	Aug. 1–Oct. 31.
Units 15(C), the English Bay hunt subarea—1 goat by registration permit only.	Aug. 10–Oct. 31.
Unit 12 and the remainder of Unit 13.	No open season.
Moose—seasons and bag limits	
Unit 1(A), and Unit 1(B) south of LeConte Glacier—1 bull.	Sept. 15–Oct. 15.
Remainder of Unit 1(C)—1 bull by registration permit only.	Sept. 15–Oct. 15.
Unit 1(D)—1 bull by registration permit only.	Sept. 1–Sept. 10.
Units 2, 3 (except Wrangell Island), and 4.	No open season.
Unit 3, Wrangell Island—1 bull with spike-fork or 50-inch antler.	Oct. 1–Oct. 15.
Unit 5(A), except Nunatak Bench—1 bull by registration permit only.	Oct. 15–Nov. 15.
Unit 5(A), Nunatak Bench.	No open season.
Unit 5(B)—1 bull by registration permit only.	Sept. 1–Nov. 15.
Unit 8.	No open season.
Unit 9(A)—1 bull.	Sept. 5–Sept. 20.
Unit 9(B) [Lake Clark drainage only]—1 bull; however, antlerless moose may be taken only from Dec. 16–Dec. 31.	Sept. 5–Sept. 20, Dec. 1–Dec. 31.
Remainder of Unit 9(B)—1 bull.	Sept. 5–Sept. 20, Dec. 1–Dec. 31.
Unit 9(C), that portion draining into the Naknek River—1 moose; however, antlerless moose may be taken by registration permit only from Dec. 1–Dec. 31.	Sept. 5–Sept. 20, Dec. 1–Dec. 31.
Remainder of Unit 9(C)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31.	Sept. 5–Sept. 20, Dec. 1–Dec. 31.
Unit 9(D).	No open season.
Unit 9(E)—1 bull; however, moose taken from Sept. 10–Sept. 20 must have 50-inch antlers.	Sept. 10–Sept. 20, Dec. 1–Dec. 15.
Unit 11—1 bull.	Sept. 1–Sept. 20.
Unit 12, that portion drained by the Tanana, Nabesna and Chisana Rivers east of the Tetlin Reservation boundary and north of the winter trail from Pickerel Lake to the Canadian border—1 bull.	Sept. 1–Sept. 20, Nov. 20–Nov. 30.
Unit 12, that portion lying east of the Nabesna River and south of the winter trail running southeast from Pickerel Lake to the Canadian border—1 bull with 50-inch antlers.	Sept. 1–Sept. 30.
Unit 12, that portion drained by the Little Tok River upstream from and including the first eastern tributary from the headwaters of Tuck Creek.	No open season.
Remainder of Unit 12—1 bull.	Sept. 1–Sept. 20.
Unit 13—1 bull moose by Federal registration permit only; only 1 permit will be issued per household.	Aug. 25–Sept. 20.
Unit 15(C), that portion southwest of a line from Point Pogibshi to the point of land between Rocky Bay and Windy Bay—1 bull.	Sept. 1–Sept. 30.
Unit 16(B) Kelgin Island—1 moose.	Aug. 25–Sept. 30.
Unit 16(B) Redoubt Bay drainages south and west of, and including, the Kustatan River drainage—1 bull.	Sept. 1–Sept. 15.
Remainder of Unit 16(B)—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30, and during the period Dec. 1–Feb. 28, by registration permit.	Sept. 1–Sept. 30, Dec. 1–Feb. 28.
Unit 17(A).	No open season.
Unit 17(B), that portion that includes all the Mulchatna River drainage upstream from and including the Chichitna River drainage—1 bull.	Sept. 1–Sept. 20.
Remainder of Unit 17(B)—1 bull.	Aug. 20–Sept. 15, Dec. 1–Dec. 31.
Unit 17(C), that portion that includes the Iowitla drainage and Sunshine Valley and all lands west of Woodriver and south of Aleknagik Lake—1 bull.	Aug. 20–Sept. 15.
Remainder of Unit 17(C)—1 bull.	Aug. 20–Sept. 15, Dec. 1–Dec. 31.
Unit 18, that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of (but not including) the Andreafsky River drainage.	No open season.
Remainder of Unit 18—1 bull.	Sept. 1–Sept. 30, Dec. 20–Dec. 30.
Unit 19; residents of Lime Village only: No bag limit; either sex.	Aug. 10–Sept. 25, Nov. 20–Mar. 31.
Unit 19(A)—1 moose; however, antlerless moose may be taken only from Nov. 20–Nov. 30 and Feb. 1–Feb. 10.	Sept. 1–Sept. 20, Nov. 20–Nov. 30, Feb. 1–Feb. 10.
Unit 19(B)—1 bull.	Sept. 1–Sept. 30.
Unit 19(C)—1 bull.	Sept. 1–Oct. 10.
Unit 19(D), that portion of the Upper Kosokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 bull.	Sept. 1–Sept. 30.
Unit 19(D), remainder of the Upper Kosokwim Controlled Use Area—1 bull.	Sept. 1–Sept. 30, Dec. 1–Feb. 28.
Remainder of Unit 19(D)—1 bull.	Sept. 1–Sept. 30, Dec. 1–Dec. 15.
Unit 20(A), that portion south of the Rex Trail and west of the Wood River Controlled Use Area, and the Yanert Controlled Use Area—1 bull with a spike-fork or 50-inch antlers.	Sept. 1–Sept. 20.
Remainder of Unit 20(A)—1 bull.	Sept. 1–Sept. 20.
Unit 20(B), that portion within the Minto Flats Management Area—1 bull by registration permit only.	Sept. 1–Sept. 20, Jan. 10–Feb. 28.
Unit 20(B), the drainage of the Middle Fork of the Chena River and that portion of the Salcha River Drainage upstream from and including Goose Creek—1 bull.	Sept. 1–Sept. 20.
Remainder of Unit 20(B)—1 bull.	Sept. 1–Sept. 20.
Unit 20(C)—1 bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 20.
Unit 20(D), that portion lying south of the north bank of the Tanana River and east of the east bank of the Johnson River—1 bull.	Sept. 1–Sept. 20.
Residents of that portion of Unit 20(D) between Bear Creek and Berry Creek: 1 bull by registration permit only.	Jan. 1–Feb. 15.
Unit 20(D), that portion lying west of the east bank of the Johnson River and south of the north bank of the Tanana River, except the Delta Junction Closed Area—1 bull with spike-fork or 50-inch antlers.	Sept. 1–Sept. 15.
Remainder of Unit 20(D)—1 bull.	Sept. 1–Sept. 10.
Unit 20(E), that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 bull.	Sept. 1–Sept. 10.

BIG GAME ANIMALS—Continued

Units and bag limits	Subsistence open season
Remainder of Unit 20(E), that portion draining into the Yukon River upstream from and including the Charley River drainages to and including the Boundary Creek drainages and the Taylor Highway from mile 145 to Eagle—1 bull.	Sept. 5–Sept. 25.
Unit 20(F)—1 bull	Sept. 1–Sept. 15, Dec. 1–Dec. 10.
Unit 21(A)—1 bull	Sept. 5–Sept. 30, Nov. 1–Nov. 30.
Units 21(B) and 21(C)—1 bull	Sept. 5–Sept. 25.
Unit 21(D)—1 moose; antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5–Sept. 25, Feb. 1–Feb. 5.
Unit 21(E); Residents of Grayling, Anvik, Shageluk, Holy Cross and Russian Mission only—1 moose	Sept. 5–Sept. 25, Feb. 1–10.
Remainder of Unit 21(E)—1 bull	Sept. 5–Sept. 25.
Unit 22(A)—1 bull	Aug. 1–Sept. 30, Dec. 1–Dec. 31.
Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a calf or a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(C)—1 bull	Sept. 1–Sept. 14.
Unit 22(D), drainages into the north side of Port Clarence, the north side of Grantley Harbor, and the north side of Imuruk Basin, excluding the Kuzitrin, Pilgrim and Kougarok River drainages—1 moose; however, antlerless moose may be taken only from Aug. 1–Dec. 31; no person may take a calf or a cow accompanied by a calf; only antlered moose may be taken Jan. 1–Jan. 31.	Aug. 1–Jan. 31.
Remainder of Unit 22(D)—1 moose; no person may take a calf or a cow accompanied by a calf	Aug. 1–Dec. 31.
Unit 22(E)—1 moose. No person may take a calf or a cow accompanied by a calf	Aug. 1–Mar. 31.
Unit 23, that portion north and west of and including the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Sept. 1–Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Mar. 31.
Remainder of Unit 23—1 moose; however, antlerless moose may be taken only from Sept. 15–Oct. 31; no person may take a cow accompanied by a calf.	Aug. 1–Dec. 31.
Unit 24, that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.	Sept. 5–Sept. 25, Dec. 1–Dec. 10, Mar. 1–Mar. 10.
Unit 24, that portion that includes the John River drainage upstream from but excluding the Hunt Fork drainage—1 moose.	Aug. 1–Dec. 31.
Unit 24, the Alatna River drainage upstream from and including Helpmejack Creek drainage, the John River drainage upstream from and including the Malemute Fork drainage and downstream from and including the Hunt Fork drainage, the Wild River drainage upstream from and including the Michigan Creek drainage, and the North Fork Koyukuk River drainage north of the Bettles/Coldfoot winter trail—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25, Mar. 1–Mar. 10.
Remainder of Unit 24—1 bull	Aug. 25–Sept. 25.
Residents of Unit 25(A) and Residents of Venetie only—1 bull	Aug. 25–Sept. 25, Dec. 1–Dec. 10.
Unit 25(B), that portion within the Porcupine River drainage upstream from but excluding the Coleen River drainage—1 bull.	Aug. 25–Sept. 25, Dec. 1–Dec. 10.
Unit 25(B), that portion within the Yukon River drainage upstream from and including the Kandik River drainage—1 bull.	Sept. 5–Sept. 25, Dec. 1–Dec. 10.
Remainder of Unit 25(B)—1 bull	Aug. 25–Sept. 25, Dec. 1–Dec. 10.
Unit 25(C)—1 bull	Sept. 5–Sept. 15.
Unit 25(D), that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary. Residents of Beaver, Birch Creek, and Stevens Village only—1 bull by Federal registration permit only.	Aug. 25–Sept. 25, Dec. 1–Dec. 10, Feb. 18–Feb. 28.
Remainder of Unit 25(D) Residents of Unit 25 excluding residents of the western portion of Unit 25(D) described above—1 bull.	Aug. 25–Sept. 25, Dec. 1–Dec. 10.
Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf	Aug. 1–Dec. 31.
Unit 26(B), that portion within two miles of the Dalton Highway	No open season.
Remainder of Unit 26(B), and Unit 26(C)—1 moose	Aug. 1–Dec. 31.
Muskox—seasons and bag limits	
Units 26(B) and 26(C); Residents of Kaktovik only—1 muskox by Federal registration permit only	Oct. 1–Oct. 31, Mar. 1–Mar. 31.
Wolf—seasons and bag limits	
Units 1–5—No limit	No closed season.
Units 6, 8, and 10—2 wolves	Aug. 10–Apr. 30.
Units 7, 14(C) and 15—1 wolf	Aug. 10–Apr. 30.
Units 9, 17, 19, 21, 23, 24, and 25(B)—(D)—10 wolves	Aug. 10–Apr. 30.
Units 11, 12, 13, 20, 22, 25(A), and 26—No limit	Aug. 10–Apr. 30.
Units 14(A) and (B), 16, and 18—4 wolves	Aug. 10–Apr. 30.
Wolverine—seasons and bag limits	
Units 1–5—1 wolverine	Nov. 10–Feb. 15.
Units 6–26—1 wolverine	Sept. 1–Mar. 31.

FUR ANIMALS

Units and Bag Limits	Subsistence Open Season
Coyote—seasons and bag limits	
Units 1–5, 6(A), 6(D), and 8–14, and 18–2—2 coyotes	Sept. 1–Apr. 30.
Units 6(B) and 6(C)—No limit	No closed season.
Units 7 and 15—No limit	Sept. 1–Apr. 30.
Arctic fox—seasons and bag limits (including blue and white phases)	
Units 9 and 17—No limit	Dec. 1–Mar. 15.

FUR ANIMALS—Continued

Units and Bag Limits	Subsistence Open Season
Unit 10—No limit	No closed season.
Units 18, 22, 23, and 26—2 foxes	Sept. 1–Apr. 30.
Red fox—seasons and bag limits (including cross, black, and silver phases)	
Units 1–14, 16–26—2 foxes	Nov. 1–Feb. 15.
Unit 15	No open season.
Lynx—seasons and bag limits	
Units 1–5—2 lynx	Dec. 1–Feb. 15.
Units 8, 11, 13, 14, and 16—2 lynx	Dec. 15–Jan. 15.
Units 7, 8, 10, and 15—2 lynx	No open season.
Units 9 and 17—2 lynx	Nov. 10–Feb. 28.
Units 12 and 20(E)—2 lynx	Nov. 1–Jan. 31.
Unit 18—2 lynx	Nov. 10–Mar. 31.
Remainder of Unit 20, and Unit 25(C)—2 lynx	Dec. 1–Jan. 1.
Unit 23—2 lynx	Dec. 1–Jan. 15.
Units 19, 21, 24, and remainder of Unit 25—2 lynx	Nov. 1–Feb. 28.
Units 22 and 26—2 lynx	Nov. 1–Apr. 15.
Red squirrel, ground squirrel, flying squirrel—seasons and bag limits.	
Units 1–26—No limit	No closed season.

SMALL GAME

Units and Bag Limits	Subsistence Open Season
Grouse (spruce, blue, ruffed, and sharp-tailed)—seasons and bag limits	
Units 1–8—5 per day, 10 in possession	Aug. 1–May 15.
Units 7, 11, 13–16 (except 14(C))—15 per day, 30 in possession	Aug. 10–Mar. 31.
Units 8 and 10	No open season.
Unit 14(C)—5 per day, 10 in possession	Day after Labor Day–Mar. 31.
Units 9, 17–19, 21–24 and 26—15 per day, 30 in possession	Aug. 10–Apr. 30.
Units 12, 20 (except 20(D)) and 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 20(D), that portion south of the Tanana River and west of the Johnson River— 10 per day provided that not more than 2 may be sharp-tailed grouse, by falconry; 10 in possession; provided not more than 2 may be sharp-tailed grouse, by falconry only.	Aug. 10–Aug. 24.
15 per day, provided that not more than 5 may be sharp-tailed grouse; 30 in possession, provided not more than 10 may be sharp-tailed grouse.	Aug. 25–Mar. 31.
Remainder of Unit 25—15 per day, 30 in possession	Aug. 10–Apr. 30.
Snowshoe and Arctic Hares—seasons and bag limits	
Units 1–5—5 per day	Sept. 1–Apr. 30.
Units 6–26, except 14(A) and 14(C). No limit.	No closed season.
Unit 14(A)—5 per day	No closed season.
Unit 14(C)—5 per day	Day after Labor Day–Apr. 30.
Ptarmigan (Rock, willow, and white-tailed)—seasons and bag limits	
Units 1–8—20 per day, 40 in possession	Aug. 1–May 15.
Units 7, 11, 13–16 (except 14(A), 14(C), and 15(C)) 20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 14(A)—10 per day, 20 in possession	Aug. 10–Mar. 31.
Unit 14(C)—10 per day, 20 in possession	Day after Labor Day–Mar. 31.
Unit 15(C)— 10 per day, 20 in possession	Aug. 10–Dec. 31.
5 per day, 10 in possession	Jan. 1–Mar. 31.
Units 8–10, 12, 17–19, and 21–26 (except 25(C))—20 per day, 40 in possession	Aug. 10–Apr. 30.
Units 20 and 25(C), those portions within 5 miles of Alaska Route 6 (Steese Hwy.) and Route 5 (Taylor Hwy. both to Eagle and the Alaska-Canada boundary), and that portion of Route 4 (Richardson Hwy.) south of Delta Junction— 20 per day, 40 in possession.	Aug. 10–Mar. 31.
Remainder of Units 20 and 25(C)—20 per day, 40 in possession	Aug. 10–Apr. 30.

WATERFOWL

Units and Bag Limits	Subsistence Open Season
Ducks (except sea ducks)—seasons and bag limits	
Units 1–4—5 per day and 15 in possession; however, not more than 2 per day and 6 in possession may be pintail ducks, and not more than 1 per day and 1 in possession may be canvasbacks.	Sept. 1–Dec. 16.
Units 5–7, 9, 10 (Unimak Island only), and 14–16—6 per day and 16 in possession; however, not more than 2 per day and 6 in possession may be pintail ducks, and not more than 1 per day and 1 in possession may be canvasbacks.	Sept. 1–Dec. 16.
Units 8 and 10, (except Unimak Island)—5 per day and 15 in possession; however, not more than 2 per day and 6 in possession may be pintail ducks, and not more than 1 per day and 1 in possession may be canvasbacks.	Oct. 8–Jan. 22.
Units 11–13 and 17–26—8 per day and 24 in possession; however, not more than 2 per day and 6 in possession may be pintail ducks, and not more than 1 per day and 1 in possession may be canvasbacks.	Sept. 1–Dec. 16.

Waterfowl—Continued

Units and bag limits	Subsistence open season
Sea ducks (eider, scoter, old squaw, harlequin) and mergansers—seasons and bag limits	
Units 1-7, 9, 10 (Unimak Is. only), and 11-26—15 per day, 30 in possession.....	Sept. 1-Dec. 16.
Units 8 and 10 (except Unimak Is.)—15 per day, 30 in possession.....	Oct. 8-Jan. 22.
Geese, cackling Canada—seasons and bag limits	
Units 1-26.....	No open season.
Geese, Canada (except cackling Canada)—seasons and bag limits	
Units 1-4, 7, 9 (except 9(E)), 10 (Unimak Island only), 11-17, and 19-26 4 per day, 8 in possession.....	Sept. 1-Dec. 16.
Units 5 and 8—4 per day, 8 in possession.....	Sept. 21-Dec. 16.
Units 8, 9(E), 10 (except Unimak Island) and 18.....	No open season.
Geese, White-fronted—seasons and bag limits	
Units 1-7, 9, and 14-18—2 per day, 4 in possession.....	Sept. 1-Dec. 16.
Unit 8—2 per day, 4 in possession.....	Oct. 8-Jan. 22.
Unit 10 (except Unimak Island) 4 per day, 8 in possession.....	Oct. 8-Jan. 22.
Unit 10 (Unimak Island only), 11-13, and 19-26—4 per day, 8 in possession.....	Sept. 1-Dec. 16.
Geese, Snow—seasons and bag limits	
Unit 1 (except 1(C)), 2-7, 9, 10 (Unimak Island only), and 11-26—6 per day, 12 in possession.....	Sept. 1-Dec. 16.
Unit 1(C).....	No open season.
Units 8 and 10 (except Unimak Island).....	Oct. 8-Jan. 22.
Brant—seasons and bag limits	
Units 1-7, 9, 10 (Unimak Island only), and 11-26—2 per day, 4 in possession.....	Sept. 1-Dec. 16.
Units 8 and 10 (except Unimak Island) 2 per day, 4 in possession.....	Oct. 8-Jan. 22.
Emperor Geese—seasons and bag limits	
Units 1-26.....	No open season.
Cranes—seasons and bag limits	
Units 1-7, 9, 10 (Unimak Island only), and 14-17—2 per day, 4 in possession.....	Sept. 1-Dec. 16.
Units 8 and 10 (except Unimak Island) 2 per day, 4 in possession.....	Oct. 8-Jan. 22.
Units 11, 12, 13 and 18-26—3 per day, 6 in possession.....	Sept. 1-Dec. 16.
Snipe—seasons and bag limits	
Units 1-7, 9, 10 (Unimak Island only), and 11-26—8 per day, 16 in possession.....	Sept. 1-Dec. 16.
Units 8 and 10 (except Unimak Island)—8 per day, 16 in possession.....	Oct. 8-Jan. 22.
Tundra Swans—seasons and bag limits	
Unit 22—1 swan, by registration permit only.....	Sept. 1-Oct. 30.
All other units.....	No open season.

Note.—The total combined bag limit for all Canada, white-fronted and snow geese is 6 per day and 12 in possession. In no unit may more than 4 per day, 8 in possession be any combination of Canada and white-fronted geese. In Units 1-9, and 14-18 no more than 2 per day, 4 in possession may be white-fronted geese.

UNCLASSIFIED GAME

Units and bag limits	Subsistence open season
Bat, shrew, rat, mouse, and porcupine—seasons and bag limits	
Units 1-26—No limit.....	No closed season.
Raven—seasons and bag limits	
Units 1-26.....	No open season.
Cormorant—seasons and bag limits	
Units 10, 17, 18, 22, and 23 No limit; however, a bird may only be taken if used for food or clothing, and no bird may be sold or offered for sale.	No closed season.
Crow—seasons and bag limits	
Units 1-9 and 15—40 per day.....	Mar. 1-Apr. 15, Sept. 1-Nov. 17.
Units 10-14 and 16-26.....	No open season.
Snowy Owl—seasons and bag limits	
Units 17, 18, 22, 23, and 26—No limit; however, a bird may only be taken if used for food or clothing, and no bird may be sold or offered for sale.	No closed season.
Units 1-16, 19-21, 24, and 25.....	No open season.
Magpie—seasons and bag limits	
Units 1-26.....	No open season.
Raccoon—seasons and bag limits	
Units 1-26—No limit.....	No closed season.

(w) Subsistence Trapping Seasons and Bag Limits.

It is lawful to trap for subsistence

purposes a fur bearer only in a game management unit or a portion of a unit open to trapping in accordance with the open season and bag limit prescribed in

this subsection. Bag limits and open seasons are based upon the regulatory year.

TRAPPING SEASONS—FUR BEARERS

Units and bag limits	Subsistence open season
Beaver—trapping seasons and bag limits	
Units 1 (except Unit 1(D)), 2, 3 (except Mitkof Island), and 4 (that portion east of Chatham Strait)—No limit	Dec. 1–May 15.
Unit 1(D)	No open season.
Unit 3, Mitkof Island—No limit	Dec. 1–Apr. 15.
Unit 4 (that portion west of Chatham Strait)	No open season.
Unit 5—No limit	Nov. 10–May 15.
Unit 6—20 per season	Feb. 1–Mar. 31.
Units 7 and 15—20 per season	Feb. 1–Mar. 31.
Units 8, 11, 13, 14(A), 14(B), and 16—30 per season	Nov. 10–Apr. 30.
Unit 9—40 per season	Jan. 1–Mar. 31.
Units 10 and 26	No open season.
Unit 12—15 per season	Nov. 1–Apr. 15.
Unit 14(C), that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, and the Twentymile River—20 per season.	Feb. 1–Mar. 31.
Remainder of Unit 14(C)	No open season.
Unit 17(A)—20 per season	Jan. 1–Jan. 31.
Units 17(B) and 17(C)—20 per season	Jan. 1–Feb. 28.
Unit 18—No limit	Nov. 1–June 10.
Units 19, 21, and 24—50 per season	Nov. 1–Apr. 15.
Unit 20(A)—25 per season	Feb. 1–Apr. 15.
Unit 20(B), that portion of the Chena River downstream from its confluence with the Little Chena River, and Badger (Piledriver) Sough downstream from Plack Road.	No open per season; however, seasons may be set and bag limits, by permit only, to curb high beaver populations and reduce property damage.
Remainder of Unit 20(B) and Units 20(C), 20(E), and that portion of 20(D) draining into the north bank of the Tanana River, including the islands in the Tanana River—25 per season.	Nov. 1–Apr. 15.
Remainder of Unit 20(D)—15 per season	Feb. 1–Apr. 15.
Units 20(F) and 25 (except Unit 25(C))—50 per season	Nov. 1–Apr. 15.
Units 22(A) and 22(B)—50 per season	Nov. 1–June 10.
Remainder of Unit 22—50 per season	Nov. 1–Apr. 15.
Unit 23, the Kobuk and Selawik River drainages—50 per season	Nov. 1–June 10.
Remainder of Unit 23—30 per season	Nov. 1–June 10.
Unit 25(C)—25 per season	Nov. 1–Apr. 15.
Coyote—trapping seasons and bag limits	
Units 1–5—No limit	Dec. 1–Feb. 15.
Unit 6(C), that portion south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.
Remainder of Unit 6, and Units 9–11, 13, 14(A), 14(B), and 16–18—No limit	Nov. 10–Mar. 31.
Units 7, 14(C), and 15—No limit	Nov. 10–Feb. 28.
Units 12 and 20(E)—No limit	Nov. 1–Feb. 28.
Units 19, 20 (except 20(E)), 21, 24, and 25—No limit	Nov. 1–Mar. 31.
Units 22, 23, and 26—No limit	Nov. 1–Apr. 15.
Fox, arctic, white, or blue—trapping seasons and bag limits	
Units 9, 10, and 17—No limit	Nov. 10–Feb. 28.
Unit 18—No limit	Nov. 10–Mar. 31.
Units 22, 23, and 26—No limit	Nov. 1–Apr. 15.
Fox, red (including the cross, black, or silver color phases)—trapping seasons and bag limits	
Units 1–5—No limit	Dec. 1–Feb. 15.
Units 6, 9–11, 13, 14(A), 14(B), 16, and 17—No limit	Nov. 10–Feb. 2.
Units 7, 14(C), and 15—One per season	Nov. 10–Feb. 28.
Unit 8—No limit	Nov. 10–Mar. 31.
Units 12, 20, 21, 24, and 25—No limit	Nov. 1–Feb. 28.
Unit 18—No limit	Nov. 10–Mar. 31.
Unit 19—No limit	Nov. 1–Mar. 31.
Units 22, 23, and 26—No limit	Nov. 1–Apr. 15.
Lynx—trapping seasons and bag limits	
Units 1–5—No limit	Dec. 1–Feb. 15.
Units 6, 11, 13, 14, 16—No limit	Dec. 15–Jan. 15.
Units 7, 8, 10, and 15	No open season.
Unit 18—No limit	Nov. 10–Mar. 31.
Units 9 and 17—No limit	Nov. 10–Feb. 28.
Units 12 and 20(E)—No limit	Nov. 1–Jan. 31.
Unit 19—No limit	Nov. 1–Feb. 28.
Remainder of Unit 20 and Unit 25(C)—No limit	Dec. 1–Jan. 31.
Unit 21—No limit	Nov. 1–Feb. 28.
Units 22 and 26—No limit	Nov. 1–Apr. 15.
Unit 23—Three lynx	Dec. 1–Jan. 15.
Unit 24—No limit	Nov. 1–Feb. 28.
Remainder of Unit 25—No limit	Nov. 1–Feb. 28.
Marten—trapping seasons and bag limits	
Units 1–4—No limit	Dec. 1–Feb. 15.
Unit 5—No limit	Nov. 10–Feb. 15.
Units 6–8, 11, and 13–16—No limit	Nov. 10–Jan. 31.
Units 9 and 17—No limit	Nov. 10–Feb. 28.
Units 12, 19, 20, 21, 24, and 25—No limit	Nov. 1–Feb. 28.
Unit 18—No limit	Nov. 10–Mar. 31.
Units 22, 23, and 26—No limit	Nov. 1–Apr. 15.

TRAPPING SEASONS—FUR BEARERS—Continued

Units and bag limits	Subsistence open season
Mink and weasel—trapping seasons and bag limits	
Units 1-4—No limit	Dec. 1-Feb. 15.
Unit 5—No limit	Nov. 10-Feb. 15.
Units 6-8, 11, 13-16, and 18—No limit	Nov. 10-Feb. 28.
Units 9, 10, and 17—No limit	Nov. 10-Feb. 28.
Units 12, 19, 20, 21, 24, and 25—No limit	Nov. 1-Feb. 28.
Units 22, 23, and 26—No limit	Nov. 1-Jan. 31.
Muskrat—trapping seasons and bag limits	
Units 1-5—No limit	Dec. 1-Feb. 15.
Units 6, 8-11, 13, and 16-18—No limit	Nov. 10-June 10.
Units 7, 14, and 15—No limit	Nov. 10-May 15.
Units 12 and 20(E)—No limit	Sept. 20-June 10.
Units 19, 20 (except 20(E)), and 21-26—No limit	Nov. 1-June 10.
Otter—land trapping seasons and bag limits	
Units 1-4—No limit	Dec. 1-Feb. 15.
Unit 5—No limit	Nov. 10-Feb. 15.
Units 6, 9-11, 13, 14(A), 14(B), and 16-18—No limit	Nov. 10-Mar. 31.
Units 7, 14(C), and 15(C)—No limit	Nov. 10-Feb. 28.
Unit 8—No limit	Nov. 10-Jan. 31.
Units 11 and 13—No limit	Nov. 10-Apr. 15.
Units 12 and 19-26—No limit	Nov. 1-Apr. 15.
Units 15(A) and 15(B)—No limit	Nov. 10-Jan. 31.
Otter, sea—trapping seasons and bag limits	
Units 1-26	No open season.
Squirrel (red, flying, parka, or ground) and marmot—trapping seasons and bag limits	
Units 1-26—No limit	No closed season.
Wolf—trapping seasons and bag limits	
Units 1-5—No limit	Nov. 10-Apr. 30.
Units 6, 9, 10, 11, 13, 14(A), 14(B), and 16-18—No limit	Nov. 10-Mar. 31.
Units 7, 14(C), and 15—No limit	Nov. 10-Feb. 28 (season may be closed by emergency order).
Units 12 and 20(E)—No limit	Oct. 1-Apr. 30.
Units 19, 20 (except 20(E)), 21, 24, and 25—No limit	Nov. 1-Mar. 31.
Units 22, 23, and 26—No limit	Nov. 1-Apr. 15.
Wolverine—trapping seasons and bag limits	
Units 1-5—No limit	Nov. 10-Apr. 30.
Units 6-11, 13, 14, 15(B), 15(C), 16, and 17—No limit	Nov. 10-Feb. 28.
Unit 15(A)	No open season.
Units 12, 20, and 25(C)—No limit	Nov. 1-Feb. 28.
Unit 18—No limit	Nov. 10-Mar. 31.
Units 19, 21, 24, and 25 (except 25(C))—No limit	Nov. 1-Mar. 31.
Units 22, 23, and 26—No limit	Nov. 1-Apr. 15.

(x) A fur bearer may only be taken under this section by a person who possesses a valid State of Alaska trapping license, or by a resident of Alaska under the age of 16.

§ 24 Subsistence fishing.

(a) Regulations in this section apply to subsistence fishing for salmon, herring, pike, bottomfish, smelt, and other types of finfish or their parts except halibut, and aquatic plants only on public lands in Alaska (derived from 5 AAC 01.001).

(b) Aquatic plants and finfish other than salmon may be taken for subsistence purposes at any time on any public lands in the State of Alaska by any method unless restricted by the subsistence fishing regulations in this section. Salmon may be taken for subsistence purposes only as provided in this section (derived from 5 AAC 01.005).

(c) The following definitions shall apply to all regulations contained in this

section and in § 26 (derived from 5 AAC 39.105(d) and 39.975).

Abalone Iron is a flat device used for taking abalone and which is more than one inch (24mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth.

Anchor is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored.

Bag Limit means the maximum legal take per person or designated group, per specified time period, even if part or all of the fish are preserved.

Beach seine is a floating net designed to surround fish which is set from and hauled to the beach.

Beam trawl is a trawl with a fixed net opening using a wood or metal beam.

Crab means the following species:

Paralithodes camshatica (red king crab);

Paralithodes platypus (blue king crab); *Lithodes couesi*; *Lithodes aequispina* (brown king crab); all species of the genus *Chionoecetes* (tanner or snow crab); *Cancer magister* (Dungeness crab).

Dipnet is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving Gear is any type of hard hat or skin diving equipment.

Drainage means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds

and lakes which contribute to the supply of the watershed.

Drift gill net is a drifting gill net that has not been intentionally staked, anchored or otherwise fixed.

Fishing Site means a structure or vessel used by an Alaska Commercial Fisheries Entry Commission permit holder for providing shelter in support of the operation of stationary net gear.

Fishwheel is a fixed, rotating device for catching fish which is driven by river current or other means of power.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

Fyke net is a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gill net is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water.

Grappling hook is a hooked device with flukes or claws and attached to a line and operated by hand.

Groundfish—Bottomfish means any marine finfish except halibut, osmerids, herring and salmonids.

Hand purse seine is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Hand troll gear consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment.

Herring pound is an enclosure used primarily to retain herring alive over extended periods of time.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hydraulic clam digger is a device using water or a combination of air and water to remove clams from their environment.

Inclusive season dates means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first

date specified designates the first day of the period, and the second date specified designates the last day of the period.

Lead is a length of net employed for guiding fish into a seine or set gill net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section.

Long line is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached.

Mechanical clam digger is a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine is a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Net gear site means the in-water location of stationary net gear.

Otter trawl is a trawl with a net opening controlled by devices commonly called otter doors.

Pelagic trawl is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed.

Possession limit means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water.

Power gurdy troll gear consists of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy.

Purse seine is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ring net is a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be non-rigid and collapsible so that when fishing it does not prohibit free movement of fish or shellfish across the top of the net.

Rockfish means all species of the genus *Sebastes*.

Salmon stream means any stream used by salmon for spawning or for traveling to a spawning area.

Salmon stream terminus means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

Scallop dredge is a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Seine vessel means the largest vessel, as determined by keel length, used to operate a seine and the vessel from which the seine is set, and to which the seine is retrieved.

Set gill net is a gill net that has been intentionally set, staked, anchored, or otherwise fixed.

Shovel is a hand-operated implement for digging clams or cockles.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet after use, the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by the means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under the five-pound weight, except as otherwise provided.

To operate fishing gear means the deployment of gear in the waters of Alaska, the removal of gear from the waters of Alaska, the removal of fish or shellfish from the gear during an open season or period, or possession of a gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirements.

Trawl is a bag-shaped net towed through the water to capture fish or shellfish.

(d) Methods, Means, and General Restrictions. (1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State general season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional fish of that species under any other bag limit specified for a State general season.

(2) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing (derived from 5 AAC 01.010):

(i) Gear specified in paragraph c of this section.

(ii) Jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and are drawn through the water by hand;

(iii) A spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and is operated by hand;

(iv) A lead which is a length of net employed for guiding fish into a seine or a length of net or fencing employed for guiding fish into a fishwheel, fyke net or dip net.

(3) Gill nets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by the regulations in particular areas set forth in this section.

(4) It is prohibited to buy or sell subsistence-taken fish, their parts, or their eggs, unless otherwise specified in this section or unless, prior to the sale, the prospective buyer or seller obtains a determination from the Board that the sale constitutes customary trade.

(5) Fishing for, taking or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(6) The use of explosives and chemicals is prohibited.

(7) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, Kuskokwim and Bristol Bay areas.

(8) Each person subsistence fishing shall plainly and legibly inscribe his/her first initial, last name, and address on his/her fishwheel, or on a keg or buoy attached to gill nets and other unattended subsistence fishing gear.

(9) All pots used to take fish must contain an opening in the webbing of a side wall of the pot which has been laced, sewn or secured together by untreated cotton twine or other natural fiber no larger than 120 thread, which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one half of the tunnel eye opening perimeter.

(10) Persons licensed by the State of Alaska under Alaska Statutes to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence-taken salmon or their parts. Further restrictions on the bartering of subsistence-taken salmon or their parts may be implemented by the Federal Subsistence Board if necessary.

(11) Gill net web must contain at least 30 filaments and all filaments must be of

equal diameter, or the web must contain at least six filaments, each of which must be at least 0.20 millimeter in diameter.

(12) Except as provided elsewhere in this regulation, the taking of rainbow trout and steelhead is prohibited.

(13) Fish taken for subsistence use or under subsistence fishing regulations may not be subsequently used as bait for commercial and sport fishing purposes.

(14) The use of live nonindigenous fish as bait is prohibited.

(e) Unlawful Possession of Subsistence Fish.—No person may possess, transport, give, receive or barter subsistence-taken fish or their parts that the person knows or should know were taken in violation of Federal or State statute or a regulation promulgated thereunder (derived from 5 AAC 01.030).

(f) Descriptions of Fishery Management Areas and Pertinent Restrictions.

(1) Kotzebue-Northern Area. The Kotzebue-Northern Area includes all waters of Alaska north of the latitude of the westernmost tip of Cape Prince of Wales and west of 141° W. long., including those waters draining into the Chukchi Sea and Arctic Ocean.

(i) Northern District: All waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° West longitude, including those waters draining into the Arctic Ocean and Chukchi Sea.

(ii) Kotzebue District: All waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(A) Subdistrict 1: All waters east of a line from the terminus of the Tukrok River to an Alaska Department of Fish and Game regulatory marker located on the sandbar at 66°49' North latitude, 162°55' West longitude to an Alaska Department of Fish and Game marker located approximately two miles off Riley Wreck to an Alaska Department of Fish and Game marker located on the west bank of Riley Creek at 66°43' North latitude, 162°19' West longitude, and west of a line from a point one mile offshore from an ADF&G regulatory marker placed on the north shore of Hotham Inlet at 67°02' N.lat., 161°59' W.long., to a point one mile offshore from an ADF&G regulatory marker placed on the northern shore of the Baldwin Peninsula near the terminus of Singigrachak Creek (66°09' N.lat., 162°11' W.long.).

(B) Subdistrict 2: All waters at the mouth of the Noatak River inside a

triangle defined by three points: the first point is located at the outlet of a small slough on the east side of the Noatak River at 66°59' North latitude, 162°28' West longitude; the west side of the triangle is located on a mud bar on the west side of the Noatak River extending between 66°77' North latitude, 162°34' West longitude and 66°57' North latitude, 162°32' West longitude;

(C) Subdistrict 3: All remaining waters in the Kotzebue District.

(iii) Fish may be taken at any time except that during the weekly fishing closures of the commercial salmon fishing season in the Kotzebue District commercial fishermen may not fish for subsistence programs.

(iv) Allowed gear and specifications

(A) Salmon may be taken only by gill nets or beach seines.

(B) Fish other than salmon may be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear, and lead.

(C) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(D) In the Kotzebue District, kegs or buoys attached to subsistence gill nets may be any color except red.

(E) In the Kotzebue District, gill nets used to take sheefish may not be more than 50 fathoms in aggregate length nor 12 meshes in depth, nor have a mesh size larger than seven inches.

(F) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(G) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(v) Waters closed to subsistence fishing.—In the Kotzebue District, the Noatak River one mile upstream and one mile downstream from the mouth of the Kelly River, and the Kelly River from its mouth to one-fourth mile upstream are closed to subsistence char fishing from June 1 through September 20.

(vi) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(vii) Only those residents domiciled in the Northern District, except for those domiciled in State of Alaska Game Management Unit 26-B, may take fish in that district.

(viii) Only those residents domiciled within 20 miles of the coast between Cape Prince of Wales and Point Hope,

including the village of Noatak, may take herring and herring roe in that location.

(ix) Only those residents domiciled in the Kotzebue District may take salmon, sheefish, and char in the district.

(2) Norton Sound-Port Clarence Area. The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Canal Point Light, including the waters of Alaska surrounding St. Lawrence and those waters draining into the Bering Sea.

(i) The Port Clarence District consists of all waters between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of the westernmost tip of Cape Douglas.

(ii) The Norton Sound District consists of all waters between the latitude of the westernmost tip of Cape Douglas and the latitude of Canal Point Light. The following are regulatory subdistricts of the Norton Sound District:

(A) Subdistrict 1 consists of waters from the terminus of Penny River to the tip of Topkok Head;

(B) Subdistrict 2 consists of waters from the tip of Rocky Point to the southernmost tip of Cape Darby;

(C) Subdistrict 3 consists of waters from an Alaska Department of Fish and Game regulatory marker located three-fourths of a mile east of Elim village on Elim Point to the terminus of the Kwik River;

(D) Subdistrict 4 consists of waters from the terminus of the Kuiuutuk River located eight miles southwest of Koyuk to the tip of Island Point;

(E) Subdistrict 5 consists of waters from the westernmost tip of Cape Denbigh to the terminus of Junction Creek located seven miles north of Egavik;

(F) Subdistrict 6 consists of waters from the terminus of Junction Creek located seven miles north of Egavik to the tip of Black Point.

(iii) In the Port Clarence District, fish may be taken at any time except that during the period July 1 through August 15, salmon may only be taken from 6:00 p.m. Thursday until 6:00 p.m. Tuesday.

(iv) In the Norton Sound District, fish may be taken at any time except as follows:

(A) In Subdistrict 1 from June 15 through August 31, salmon may be taken only from 6:00 p.m. Monday until 6:00 p.m. Wednesday and from 6:00 p.m. Thursday until 6:00 p.m. Saturday.

(B) In Subdistricts 2 through 6, commercial fishermen may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, except that from July 15

through August 1, commercial fishermen may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gill nets which have a mesh size that does not exceed 4½ inches, and with beach seines.

(C) In the Unalakleet River from June 1 through July 15, salmon may be taken from 8:00 a.m. Monday until 8:00 p.m. Saturday.

(v) Salmon may only be taken by gill net, beach seine, or fishwheel.

(vi) Fish other than salmon may be taken by set gill net, drift net, beach seine, fishwheel, pot, long line, fyke net, jigging gear, spear, and lead.

(vii) A gill net may not obstruct more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(viii) In the Norton Sound District, kegs or buoys attached to subsistence gill nets may be any color except red.

(ix) Gill nets with a mesh size of less than 4½ inches and beach seines may not be used in the Sinuk River upstream of Alaska Department of Fish and Game regulatory markers placed two miles above the mouth, in the Nome River, and in the Solomon River upstream from Alaska Department of Fish and Game regulatory markers placed near the village of Solomon.

(x) In the Nome River, no person may operate more than 50 feet of gill net in the aggregate.

(xi) In the Unalakleet River from June 1 through July 15, no person may operate more than 25 fathoms of gill net in the aggregate.

(xii) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river;

(xiii) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(xiv) In the Norton Sound District, fish may not be taken for subsistence purposes seaward of the mouth of the Unalakleet River in an area between Alaska Department of Fish and Game regulatory markers on each side of the river to an outer line established by Alaska Department of Fish and Game regulatory markers and buoys.

(xv) In the Port Clarence District, Salmon Lake, its tributaries, and within 300 feet of Alaska Department of Fish and Game regulatory markers placed at the outlet of Salmon Lake, are closed to subsistence fishing from July 15 through August 31.

(xvi) The Nome River, from its terminus upstream for a distance of 200 yards and upstream from an Alaska Department of Fish and Game regulatory marker located near Osborn, is closed to the taking of fish.

(xvii) Except as provided in this subsection, fish may be taken for subsistence purposes without a subsistence fishing permit. A subsistence fishing permit is required as follows:

(A) In the Port Clarence District: Pilgrim River drainage including Salmon Lake;

(B) In the Norton Sound District: for net fishing in all waters from Cape Douglas to Rocky Point.

(xviii) Only one subsistence fishing permit will be issued to each household per year.

(xix) Only those residents domiciled within 20 miles of the coast between Cape Romanoff and Cape Prince of Wales and on St. Lawrence Island, may take herring and herring roe in those locations.

(xx) Only those residents domiciled in the Norton Sound-Port Clarence Area may take salmon in that area.

(3) Yukon Area. The Yukon Area includes all waters of Alaska between the latitude of Canal Point Light and the latitude of the westernmost point of the Naskonat Peninsula, including those draining into the Bering Sea.

(i) District 1 consists of that portion of the Yukon River drainage from its terminus upstream to the northern edge of the mouth of the Anuk River and all waters of the Black River including waters within one nautical mile of its terminus.

(ii) District 2 consists of that portion of the Yukon River drainage from the northern edge of the mouth of the Anuk River upstream to an Alaska Department of Fish and Game regulatory marker located at Toklik, and includes the Anuk River drainage.

(iii) District 3 consists of that portion of the Yukon River drainage from an Alaska Department of Fish and Game regulatory marker located at Toklik upstream to an Alaska Department of Fish and Game regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village.

(iv) District 4 consists of the Yukon River from an Alaska Department of Fish and Game regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the western edge of the mouth of Illinois Creek at Kallands.

(A) Subdistrict 4-A consists of that portion of the Yukon River from an Alaska Department of Fish and Game regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the tip of Cone Point;

(B) Subdistrict 4-B consists of the Yukon River drainage from the tip of Cone Point upstream along the north bank of the river to the westernmost edge of Illinois Creek and includes the following islands: Cook, Lark, Serpentine, Loudon, Fish, Dainty, Yuki, Melozi, Dasha, Straight, Kit, Fox, Hardluck, Mickey, Florence, Doyle, Chokoyik, Lady, Liner, Flora and Cronin;

(C) Subdistrict 4-C consists of the Yukon River drainage from the tip of Cone Point upstream along the south bank of the river to a point opposite the westernmost edge of Illinois Creek and includes the following islands: Cat, Hen, Jimmy, Big, Ninemile, Ham, Emerald, Edith, Kathaleen, Henry, Burns, Youngs, Weir, Clay, Large and Brant.

(v) District 5 consists of that portion of the Yukon River drainage (excluding the Tanana River drainage) from the western edge of the mouth of Illinois Creek to the U.S.-Canada border, and includes the Illinois Creek drainage.

(A) Subdistrict 5-A consists of the Yukon River drainage from a point opposite the westernmost edge of Illinois Creek upstream along the south bank of the river to the easternmost edge of the Tanana River mouth and includes the following islands: Basco, Sword, Leonard, Still, Tanana and Mission;

(B) Subdistrict 5-B consists of the Yukon River drainage from the westernmost edge of Illinois Creek upstream along the north bank of the river to a point opposite the easternmost edge of the Tanana River mouth upstream along both banks of the Yukon River to the westernmost tip of Garnet Island and includes the following islands: Darwin, Little Joker, Station, Tozitna, Circle, Bull and Long;

(C) Subdistrict 5-C consists of the Yukon River drainage upstream from the westernmost tip of Garnet Island to Alaska Department of Fish and Game regulatory markers located approximately two miles downstream from Waldron Creek;

(D) Subdistrict 5-D consists of the Yukon River drainage from Alaska Department of Fish and Game regulatory markers located approximately two miles downstream from Waldron Creek upstream to the U.S.-Canada border.

(vi) District 6 consists of the Tanana River drainage to its confluence with the Yukon River.

(A) Subdistrict 6-A consists of that portion of the Tanana River drainage from its mouth upstream to the eastern edge of the mouth of the Kantishna River and includes the Kantishna River drainage.

(B) Subdistrict 6-B consists of that portion of the Tanana River drainage from the eastern edge of the mouth of the Kantishna River upstream to the eastern edge of the mouth of the Wood River and includes the Wood River drainage.

(C) Subdistrict 6-C consists of the Tanana River drainage from the eastern edge of the mouth of the Wood River upstream to the eastern edge of the mouth of the Salcha River and includes the Salcha River drainage.

(vii) Unless otherwise restricted, salmon may be taken in the Yukon Area at any time.

(viii) In the following locations, salmon may be taken only during the open weekly fishing periods of the commercial salmon fishing season and may not be taken for 24 hours before the opening and 24 hours after the closure of the commercial salmon fishing season:

(A) Districts 1, 2 and 3, except:

(1) Through July 19 in Districts 1 and 2 subsistence fishing periods will be established by emergency order every other weekend during commercial salmon fishing closures;

(2) After July 19 in District 1, except for the set net only locations, and in District 2, a 24 hour subsistence fishing period will be established by emergency order each weekend during commercial salmon fishing closures;

(B) District 4, excluding the Koyukuk and Innoko River drainages;

(1) In Subdistrict 4-A from June 15 through August 1, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(2) In Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(C) District 5, excluding the Tozitna River drainage and Subdistrict 5-D;

(D) District 6, excluding:

(1) The Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River;

(2) Subdistrict 6-B, from the downstream end of Crescent Island to three miles upstream of the mouth of the Totchaket Slough, where salmon may be taken from 6:00 p.m. Friday until 6:00 p.m. Wednesday.

(ix) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not

be taken during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5-B, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday;

(C) In Subdistrict 6-A and 6-B, excluding the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River, salmon may not be taken from 6:00 p.m. Wednesday until 6:00 p.m. Friday.

(x) In Subdistrict 6-C and that portion of the Tanana River drainage upstream to the mouth of the Salcha River, salmon may not be taken following the closure of the commercial salmon fishing season from 6:00 p.m. Monday until 6:00 p.m. Friday.

(xi) Except as otherwise provided, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

(xii) Salmon may only be taken by gill net, beach seine, or fishwheel subject to the restrictions set forth in this section.

(xiii) In Districts 1, 2, and 3, commercial fishermen may not take salmon for subsistence purposes by gill nets larger than six-inch mesh during periods established by emergency order.

(xiv) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season by gill nets larger than six inch mesh after a date specified by emergency order issued between July 10 and July 31.

(xv) In Districts 4, 5 and 6, salmon may not be taken for subsistence purposes by drift gill nets, except as follows:

(A) In Subdistrict 4-A, upstream from the mouth of Stink Creek king salmon may be taken by drift gill nets from June 21 through July 14, and chum salmon may be taken by drift gill nets after August 2;

(B) No person may operate a drift gill net that is more than 150 feet in length during the seasons described in this section.

(xvi) Unless otherwise specified in this section, fish other than salmon may be taken only by set gill net, drift gill net, beach seine, fishwheel, long line, fyke net, dip net, jigging gear, spear, or lead, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the commercial salmon

fishing season, a commercial fisherman may not operate more than one type of gear at a time, for commercial and subsistence purposes, except that in Subdistrict 4-A, upstream from the mouth of Stink Creek, a commercial fisherman may, at any time, assist subsistence fishermen in the operation of subsistence fishing gear;

(B) The aggregate length of set gill net in use by an individual may not exceed 150 fathoms and each drift gill net in use by an individual may not exceed 50 fathoms in length;

(C) In Subdistricts 4, 5 and 6, it is unlawful to set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear;

(D) A gill net may obstruct not more than one-half the width of any fish stream; a stationary fishing device may obstruct not more than one-half width of any salmon stream.

(xvii) Salmon may be taken only by set gill nets in those locations described in below after July 19:

(A) Waters of the Black River including waters within one nautical mile of its terminus;

(B) Waters of Kwikluak Pass downstream of Agmulegut and the waters of Kwemeluk Pass;

(C) Waters of Alakanuk Pass downstream from the mouth of Kuiuupak Slough;

(D) Waters of Kwiguk Pass downstream to the mouth of Kawokhawik Slough;

(E) Waters of Kawanak Pass downstream from Sea Gull Point;

(F) Waters of Kwikpak Pass downstream from Sea Gull Point;

(G) Waters of Apoon Pass downstream from the mouth of the Kotlik River and waters of Okwega Pass downstream from its confluence with Apoon Pass;

(H) Waters within one nautical mile seaward from any grassland bank in District 1.

(xviii) Pike may not be taken with gill nets in the waters of the Tolovana River drainage from October 15 through April 14.

(xix) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(xx) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(xxi) 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 subsistence fishing permit designating measures for the protection of other fish: the following streams and within 500 feet of their mouths: Birth Creek; Dall River, June 10 through September 10;

(xxii) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(A) Kanuti River, upstream from a point five miles downstream of the state highway crossing;

(B) Fish Creek, upstream from the mouth of Bonanza Creek;

(C) Bonanza Creek;

(D) Jim River, including Prospect Creek and Douglas Creek;

(E) South Fork of the Koyukuk River system upstream from the mouth of Jim River;

(F) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork;

(G) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(xxiii) The main Tanana River and its adjoining sloughs are closed to subsistence fishing between the mouth of the Salcha River and the mouth of the Gerstle River, except that salmon may be taken in the area upstream of the Richardson Highway bridge to the mouth of Clearwater Creek after November 20.

(xxiv) Waters of the Tanana River drainage are closed to the subsistence taking of pike between the mouth of the Kantishna River and Delta River at Black Rapids on the Richardson Highway and Cathedral Rapids on the Alaska Highway, except that pike may be taken for subsistence purposes in the Tolovana River drainage upstream from its confluence with the Tanana River.

(xxv) The Delta River is closed to subsistence fishing, except that salmon may be taken after November 20.

(xxvi) The following locations are closed to subsistence fishing:

(A) The following rivers and creeks are within 500 feet of their mouths: Delta Clearwater River (Clearwater Creek at 64°06' N. lat., 145°34' W. long),

Richardson Clearwater Creek (Clear Creek at 64°14' N. lat., 146°16' W. long), Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Big Salt River, Shaw Creek, Bear Creek, McDonald Creek, Moose Creek, Hess Creek, and Beaver Creek;

(B) Ray River and Salcha River upstream of a line between Alaska Department of Fish and Game regulatory markers located at the mouth of the rivers;

(C) Deadman, Jan, Boleo, Birch, Lost, Harding, Craig, Fielding, Two-Mile, Quartz, and Little Harding lakes;

(D) Piledriver and Badger (Chena) sloughs.

(xxvii) The following waters are closed to the taking of chum salmon from August 15 through December 31:

(A) Toklat River.

(B) Kantishna River from the mouth of the Toklat River to its confluence with the Tanana River.

(xxviii) Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

(xxix) A subsistence fishing permit is required as follows:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from Alaska Department of Fish and Game regulatory markers placed near the upstream mouth of 22 Mile Slough upstream to the U.S.—Canada border;

(C) For the Tanana River drainage above the mouth of the Wood River;

(D) For whitefish and suckers in the waters listed;

(E) For the taking of pike in waters of the Tolovana River drainage upstream of its confluence with the Tanana River;

(F) For the taking of salmon in Subdistricts 6-A and 6-B.

(xxx) In addition to the subsistence fishing permit conditions, permits issued for fish other than salmon may also designate restrictive measures for the conservation of salmon.

(xxxi) Only one subsistence fishing permit will be issued to each household per year.

(xxxii) In addition to the subsistence fishing permit conditions, permits issued for the taking of salmon in Subdistricts 6-A and 6-B must also contain the following requirements:

(A) Salmon may be taken only by set gill net or fishwheel. No household may operate more than one fishwheel.

(B) Each person subsistence fishing shall keep accurate daily records of his/her catch, the number of fish taken by species, location and date of the catch, and other information that the Alaska Department of Fish and Game may require for management or conservation purposes.

(C) In that portion of Subdistrict 6-B three miles or more upstream of the mouth of Totchaket Slough, each permittee shall report the number of salmon taken to the State once each week, or as specified on the permit. In the remainder of Subdistrict 6-B and in Subdistrict 6-A, each permittee shall report the total number of salmon taken to the Alaska Department of Fish and Game no later than October 31.

(xxxiii) Only those residents domiciled in rural locations in the Yukon Area, as determined by the Federal Subsistence Board, including the community of Stebbins, may take salmon in the Yukon Area.

(xxxiv) Only those residents domiciled in rural locations in the Yukon River Drainage, as determined by the Federal Board including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak may take Yukon River Fall chum salmon for subsistence purposes.

(xxxv) Only those residents domiciled in rural locations in the Yukon Area, as determined by the Federal Subsistence Board, may take freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pie, char, and blackfish, in the Yukon Area.

(xxxvi) Only those residents domiciled within 20 miles of the coast between the terminus of the Black River and the westernmost point of the Naskonat Peninsula may take herring and herring roe in that location.

(xxxvii) In subdistricts 5-A, 5-B, 5-C, and that portion of Subdistrict 5-D downstream from Long Point, no person may possess salmon taken for subsistence purposes during a commercial fishing period, unless the dorsal fin has been immediately removed from the salmon. A person may not sell or purchase salmon from which the dorsal fin has been removed.

(xxxviii) An Alaska Commercial Fisheries Entry Commission salmon permit holder registered for the set net only locations may not use drift gill nets for the subsistence taking of salmon in Districts 1, 2, and 3.

(xxxix) A commercial salmon fisherman who is registered for Districts 1, 2, or 3 may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village.

(xl) Subsistence salmon harvest limits in Subdistrict 6-C are 750 king salmon and 5,000 chum salmon taken through August 15 and 5,200 chum and coho salmon combined taken after August 15. When either the king or chum salmon harvest limit for periods before August 16 has been taken, the subsistence salmon fishing season in Subdistrict 6-C will close. A later season will open after August 15 to allow the taking of the harvest limit for periods after August 15. If the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for periods after August 15.

(xli) Subsistence salmon fishing seasons and weekly fishing periods for Subdistrict 6-C are as follows:

(A) Salmon may be taken at any time except salmon may not be taken for 24 hours before the opening and after the closing of the commercial salmon fishing seasons and during closed weekly commercial salmon fishing periods;

(B) Weekly subsistence salmon fishing periods that follow closures of the commercial salmon fishing seasons will be established by emergency order;

(C) The annual harvest limit for the holder of a Subdistrict 6-A or 6-B subsistence salmon fishing permit is 60 chinook salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15. Upon request, permits for additional salmon may be issued by the department.

(D) Unless otherwise provided, from June 20 through September 30, open subsistence salmon fishing periods are concurrent with open commercial salmon fishing periods. During closures of the commercial salmon fishery, open subsistence salmon fishing periods are as specified in 5 Alaska Administrative Code 05.367.

(E) In the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week.

(F) In Subdistrict 6-B from the downstream end of Crescent Island to a line three miles upstream from the mouth of the Totchaket Slough, the open subsistence salmon fishing periods are from 6:00 p.m. Friday through 6:00 p.m. Wednesday.

(xlii) Adjustments may have to be made to the subsistence salmon fishing seasons and fishing periods to protect healthy populations.

(xliii) Salmon may be taken only by set gill net or fishwheel. No person may operate a gill net having a mesh size larger than six inches after a date specified by emergency order issued between July 5 through July 25.

(xliv) Subsistence fishermen taking salmon in Subdistrict 6-C shall report their salmon catches at designated Alaska Department of Fish and Game check stations by the end of each weekly fishing period. Immediately after salmon have been taken, catches must be recorded on a harvest form provided by the department.

(xlv) The annual possession limit for the holder of a Subdistrict 6-C subsistence salmon fishing permit is 10 king salmon and 75 chum salmon for periods through August 15 and 75 chum and coho salmon for periods after August 15.

(4) Kuskokwim Area. (i) The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of the Naskonat

Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(ii) District 1 is that portion of the Kuskokwim River upstream from a line from Apokak Slough (60°8' North latitude, 162°12' West longitude) to the southernmost tip of Eek Island to Popokamiut (60°4' North latitude, 162°28' West longitude) to a line between Alaska Department of Fish and Game regulatory markers located just upstream of the mouth of Bogus Creek.

(iii) District 2 is that portion of the Kuskokwim River from Alaska Department of Fish and Game regulatory markers located at the High Bluffs upstream to the Alaska Department of Fish and Game regulatory markers at the downstream edge of Chuathbaluk.

(iv) District 4 consists of Kuskokwim Bay between Alaska Department of Fish and Game regulatory markers placed at the westernmost edge of the mouth of the Arolik River.

(v) District 5 consists of that portion of Goodnews Bay inside a line between Alaska Department of Fish and Game regulatory markers placed near the bay entrance and a line between Alaska Department of Fish and Game markers placed near the mouth of the Ufigag River and on the opposite shore near the mouth of the Tunulik River.

(vi) Unless otherwise restricted, salmon may be taken in the Kuskokwim area at any time.

(vii) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, salmon may be taken at any time except salmon may not be taken for 16 hours before, during and for six hours after, each open commercial salmon fishing period for District 1;

(viii) In District 1, Kuskokuak Slough only, salmon may be taken at any time except:

(A) From June 1 through July 31, salmon may not be taken for 24 hours before and during each open commercial salmon fishing period in the district.

(B) From August 1 through August 31, salmon may not be taken for 15 hours before and during each open commercial salmon fishing period in the district.

(ix) In Districts 4 and 5, salmon may be taken at any time except from June 1 through September 8, salmon may not be taken for 24 hours before, during, and 6 hours after each open commercial salmon fishing period in each district.

(x) Except as otherwise provided, there is no closed season on fish other than salmon.

(xi) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, salmon may be taken at any time, except that from June 1 through September 8 salmon may not be taken for 24 hours before, during, and six hours after each open commercial salmon fishing period in the district.

(xii) Salmon may only be taken by gill net, beach seine, or fishwheel subject to the restrictions set forth in this chapter, except that salmon may also be taken by spear in the Holitna River drainage.

(xiii) The aggregate length of set gill nets or drift gill nets in use by any individual for taking salmon may not exceed 50 fathoms.

(xiv) Fish other than salmon may only be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear, or lead.

(xv) Each subsistence gill net operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line.

(xvi) In that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakof River, no part of a set gill net located within a tributary to the Kuskokwim River may be set or operated within 150 feet of any part of another set gill net.

(xvii) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(xviii) Kegs or buoys attached to subsistence gill nets may be any color except red during any open weekly commercial salmon fishing period.

(xix) The maximum depth of gill nets is as follows:

(A) Gill nets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gill nets with greater than six-inch mesh may not be more than 35 meshes in depth;

(xx) In addition to the previously stated requirements,

(A) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river;

(B) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(xxi) The Goodnews River is closed to the subsistence taking of fish by nets east of a line between Alaska Department of Fish and Game regulatory markers placed near the mouth of the Ufigag River and Alaska Department of Fish and Game regulatory marker placed near the mouth of the Tunulik River 24 hours before, during, and six hours after each open commercial salmon fishing period.

(xxii) The Kanektok River is closed to the subsistence taking of fish by nets upstream of Alaska Department of Fish and Game regulatory markers placed near the mouth 24 hours before, during the six hours after each open commercial salmon fishing period.

(xxiii) The Arolik River is closed to the subsistence taking of fish by nets upstream of Alaska Department of Fish and Game regulatory markers placed near the mouth 24 hours before, during, and six hours after each open commercial salmon fishing period.

(xxiv) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(xxv) Only those residents domiciled in the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB, may take salmon for subsistence purposes in the Kuskokwim Area.

(xxvi) Only those residents domiciled in the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefnak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak may take for subsistence purposes Pacific cod in the Kuskokwim area.

(xxvii) Only those residents domiciled within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island may take for subsistence purposes herring and herring roe in those locations.

(4) Bristol Bay Area. (i) The Bristol Bay Area consists of all waters of Bristol Bay including drainage enclosed by a line from Cape Newenham to Cape Menshikof.

(ii) Districts and Sections for salmon, bottomfish, and other finfisheries are described below.

(A) Nushagak District: All waters of Nushagak Bay north of a line from 58°33'48" North latitude, 158°47'12" West longitude (Nichols Hills) to 58°39'24" North latitude, 158°19'12" West longitude (Etolin Point);

(1) Igushik Section: All waters of Nushagak Bay bound by a line from 58°33'48" North latitude, 158°47'12" West

longitude to 58°36'18" North latitude, 158°34'36" West longitude to 58°44'54" North latitude, 158°41'24" West longitude to 58°45'48" North latitude, 158°46'36" West longitude;

(2) Snake River Section: All waters bound by a line from 58°52'25" North latitude, 158°43'10" West longitude to 58°44'54" North latitude, 158°41'24" West longitude to 58°45'48" North latitude, 158°46'36" West longitude.

(3) Nushagak Section: All waters of the Nushagak district not described in paragraph (f)(5)(ii)(A) (1) and (2) of this section.

(B) Naknek-Kvichak District: All waters of Kvichak Bay north and east of Loran C line 9990-Y-32430 and divided as follows:

(1) Kvichak Section: All waters of Kvichak Bay north and east of Loran C line 9990-Y-32430 and north and west of a line from 58°38'30" North latitude, 157°22'14" West longitude to the outer end of the Libbyville dock then along the dock to shore.

(2) Naknek Section: All waters of the Naknek-Kvichak District not described in paragraph (f)(5)(ii)(A)(1) of this section.

(C) Egegik District: All waters north of Loran C line 9990-Y-32630, east of Loran C line 9990-Z-45140, and south of Loran C line 9990-Y-32570.

(D) Ugashik District: All waters south of Loran C line 9990-Y-32782 and east of a line connecting an Alaska Department of Fish and Game regulatory marker at Cape Menshikof (Loran C coordinates 9990-Y-32891 and 9990-Z-45229) with a point at the intersection of Loran C lines 9990-Y-32782 and 9990-Z-45150).

(E) Togiak District: All waters north of a line from Cape Newenham to Cape Pierce then to Right Hand Point then to Kulukak Point.

(1) Togiak River Section: Waters of Togiak Bay within a line from a marker on the near shore near Mt. Aeolus to a marker at Rocky Point;

(2) Kulukak Section: Waters of Kulukak Bay within a line bearing in a westerly direction from a marker at Kulukak Point to a marker on the shore at 159°45' West longitude.

(3) Osviak Section: Waters within a line Estu Point and Asigyupak Spit at 58°41' North latitude, 161°18' West longitude;

(4) Matogak Section: Waters of Hagemester Strait within a line between Estus Point and Tongue Point;

(5) Cape Peirce Section: Waters within a line from Cape Newenham to Cape Peirce.

(iii) The Districts and Sections for herring, herring spawn on kelp, and capelin fisheries are:

(A) The Togiak District consists of all waters of Alaska between the longitude of the tip of Cape Constantine and the longitude of the tip of Cape Newenham. Sections are as follows.

(1) Kulukak Section: All waters between the longitude of the tip of Cape Constantine and the longitude of the tip of Right Hand Point.

(2) Nanavachak Section: All waters between the longitude of the tip of Right Hand Point and a line extending south from the westernmost tip of Anchor Point;

(3) Togiak Section: All waters between a line extending south from the westernmost tip of Anchor Point and the longitude of the terminus of the Quigmy River;

(4) Hagemeister Section: All waters between the longitude of the terminus of the Quigmy River and the longitude of the tip of Asigyupak Spit;

(5) Pyrite Point Section: All waters between the longitude of Asigyupak Spit and the longitude of Cape Pierce;

(6) Cape Newenham Section: All waters between the longitude of the tip of Cape Pierce and the longitude of the tip of Cape Newenham.

(B) The Bay District consists of all waters of the Bristol Bay Area east of the longitude of the southernmost tip of Cape Constantine.

(C) The General District consists of all waters of the Bristol Bay Area west of the longitude of the southernmost tip of Cape Newenham.

(iv) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Bristol Bay Area.

(v) Within the waters of a district open during the commercial salmon fishing season, salmon may be taken only during open commercial salmon fishing periods. In the open waters of the Nushagak District, provision shall be made for subsistence salmon fishing by emergency order whenever there are commercial salmon fishing closures of five or more days. During these emergency order openings,

(A) Set gill nets may not be more than 10 fathoms in length;

(B) No set gill net may be set or operated within 450 feet of another set gill net, and

(C) Catches during the emergency order openings must be reported to the Dillingham Alaska Department of Fish and Game office within 24 hours after the closure.

(vi) From October 1 through December 31, sockeye salmon may be taken along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River as marked by Alaska

Department of Fish and Game regulatory markers.

(vii) In the Nushagak District from an Alaska Department of Fish and Game regulatory marker located two statute miles south of Bradford Point to an Alaska Department of Fish and Game regulatory marker located at Red Bluff on the west shore of the Wood River, from 9:00 a.m. June 16 through 9:00 a.m. July 17, salmon may be taken only from 9:00 a.m. Monday to 9:00 a.m. Tuesday, 9:00 a.m. Wednesday to 9:00 a.m. Thursday, and 9:00 a.m. Friday to 9:00 a.m. Saturday.

(viii) In the Naknek, Egegik, and Ugashik Rivers from 9:00 a.m. June 23 through 9:00 a.m. July 17, salmon may be taken only from 9:00 a.m. Tuesday to 9:00 a.m. Wednesday and 9:00 a.m. Saturday to 9:00 a.m. Sunday.

(ix) Within any district, salmon, herring, and capelin may only be taken by drift and set gill nets.

(x) Outside the boundaries of any district, salmon may only be taken by set gill net, except that salmon may also be taken by spear in the Togiak River excluding its tributaries.

(xi) The maximum lengths for set gill nets used to take salmon are as follows:

(A) In the Naknek, Egegik and Ugashik Rivers, in the Nushagak District, and in Naknek Lake, set gill nets may not exceed 10 fathoms in length;

(B) In the remaining waters of the area, set gill nets may not exceed 25 fathoms in length.

(xii) No part of a set gill net may be operated within 300 feet of any part of another set gill net, except in the Nushagak District from the Alaska Department of Fish and Game regulatory marker two statute miles below Bradford Point to a marker at Red Bluff on the west shore of Wood River, no part of a set gill net may be operated within 100 feet of any part of another set gill net.

(xiii) No set gill net may obstruct more than one-half the width of a stream.

(xiv) Each set gill net must be staked and buoyed.

(xv) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xvi) Fish, other than salmon, herring and capelin may be taken by gear previously listed unless restricted under the terms of a subsistence fishing permit.

(xvii) Herring spawn on kelp may be taken only by hand picking and hand operated rakes.

(xviii) During closed commercial herring fishing periods, gill nets used for

the subsistence taking of herring or capelin may not exceed 25 fathoms in length.

(xix) Except for the western shore of the Newhalen River, waters used by salmon are closed to the subsistence taking of fish within 300 feet of a stream mouth.

(xx) Gill nets are prohibited in that portion of the Naknek River upstream from Sovonaski;

(xxi) Subsistence fishing with nets is prohibited in the following waters and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14:

Lower Talarik Creek
Middle Talarik Creek
Upper Talarik Creek
Pete Andrew Creek
Zacker Creek
Newhalen River
Roadhouse Creek
Alexi Creek
Tazimina River
Young's Creek
Chekok Creek
Tomokok Creek
Nick G. Creek
Copper River
Kakhonak River
Gibraltar River
Dennis Creek
Belinda Creek

(xxii) Metervik Bay is closed to herring fishing north of a line from an Alaska Department of Fish and Game regulatory marker at 58°49'6" North latitude, 159°47'15" West longitude to an Alaska Department of Fish and Game regulatory marker at 58°49'58" North latitude, 159°45'45" West longitude. This closure does not apply to the taking of herring spawn on kelp.

(xxiii) Ungalikthluk Bay is closed to the taking of herring north of a line from an Alaska Department of Fish and Game regulatory marker at Rocky Point (58°53'15" North latitude, 160°14'15" West longitude) to an Alaska Department of Fish and Game regulatory marker at 58°51'54" North latitude, 160°9'45" West longitude. This closure does not apply to the taking of herring spawn on kelp.

(xxiv) Salmon, trout and char may only be taken under authority of a subsistence fishing permit.

(xxv) Only one subsistence fishing permit may be issued to each household per year.

(xxvi) Subsistence salmon fishing permits for the Naknek River drainage will be issued only through the Alaska Department of Fish and Game King Salmon office.

(xxvii) Only those residents domiciled in the Nushagak District and freshwater drainage flowing into the district may

take salmon in the district and those drainage.

(xxviii) Only those residents domiciled in the Togiak District, freshwater drainage flowing into the district, and the community of Manokotak may take salmon and freshwater fish species in the district and those drainage.

(xxix) Only those residents domiciled in the Naknek and Kvichak River drainage may take salmon in the Naknek River drainage.

(xxx) Only those residents domiciled in the Iliamna-Lake Clark drainage may take salmon in the Iliamna-Lake Clark drainage.

(xxxi) Only those residents domiciled in the communities of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clarks Point, and Ekuk may take herring and herring roe on kelp in the waters of the Togiak District which consist of all waters of Alaska between the longitude of the tip of Cape Constantine and the longitude of the tip of Cape Newenham.

(xxxii) After August 20, no person may possess coho salmon for subsistence purposes in the Togiak River Section and the Togiak River drainage unless the head has been immediately removed from the salmon. It is unlawful to purchase or sell coho salmon from which the head has been removed.

(xxxiii) The total annual possession limit for a subsistence salmon fishing permit issued under this section is 200 sockeye salmon.

(6) Aleutian Islands Area. (i) The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° E. long., and south of 54°36' N. lat.

(A) Akutan District: All waters between Scotch Cap and Cape Sarichef Light and extending west to and including Akutan Pass. South of Scotch Cap, the eastern boundary of the district is a line extending from Scotch Cap through the easternmost tip of Ugamak Island.

(B) Unalaska District: All waters west of Akutan Pass to and including Umnak Pass

(1) Beaver Inlet Section: All waters between Cape Sedanka and Cape Kalekta and including Unalga Island;

(2) Unalaska Bay Section: All waters between Cape Kaalekta and Cape Kovrizhka;

(3) Makushin Bay Section: All waters between Cape Kovrizhka and Spray Cape;

(4) Kashega Bay Section: All waters between Spray Cape and Konets Head;

(5) Southern Section: All waters between Konets Head and Cape Sedanka.

(C) Umnak District: All waters west of Umnak Pass to and including Atka Pass.

(D) Adak District: All waters west of Atka Pass to the terminus of the Aleutian Islands.

(ii) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(iii) Fish other than salmon may be taken by gear previously listed, unless restricted under the terms of a subsistence fishing permit.

(iv) The waters of Unalaska Lake (at Unalaska Village), its drainage and the outlet stream, and within 500 yards of its terminus are closed to subsistence fishing.

(v) The Adak District is closed to the taking of salmon.

(vi) Salmon, trout and char may be taken only under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak and Adak Districts. Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(7) Alaska Peninsula Area. (i) The Alaska Peninsula Area includes all Pacific Ocean waters of Alaska between a line extending southeast (135°) from the tip of Kupreanof Point and the longitude of the Tip of Cape Sarichef, and all Bering Sea waters of Alaska east of the longitude of the tip of Cape Sarichef and south of the latitude of the tip of Cape Menshikof.

(ii) Salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50 mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(iii) Fish other than salmon may be taken at any time unless restricted under the terms of a subsistence fishing permit.

(iv) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(v) Fish other than salmon may be taken by gear previously listed, unless restricted under the terms of a subsistence fishing permit.

(vi) No set gill net may exceed 100 fathoms in length.

(vii) The following waters are closed to subsistence fishing for salmon:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth;

(c) Inshore of a line from the Pacific Pearl dock to Black Point, including the inlet and Humboldt Creek.

(viii) Salmon, trout and char may be taken only under the authority of a subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(8) Chignik Area. (i) The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula enclosed by 156°20'13" W. long., (the longitude of the southern entrance to Imuya Bay near Kilokak Rocks) and a line extending southeast (135°) from the tip of Kupreanof Point.

(ii) Salmon may be taken by seines and gill nets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines.

(iii) Fish other than salmon may be taken by gear previously listed, unless restricted under the terms of a subsistence fishing permit.

(iv) Salmon may not be taken in the Chignik River, upstream from the Alaska Department of Fish and Game weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(v) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(vi) From June 10 through September 30, commercial fishing license holders may not subsistence fish for salmon.

(9) Kodiak Area. (i) The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58°52' N. lat.), west of 150° W. long., north of 55°30' N. lat.; and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156°20'13" W. long.).

(ii) Salmon may be taken for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through

December 31, with the following exceptions:

(A) From June 1 through September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(B) From June 1 through September 15, purse seine vessels may be used to take salmon only with gill nets and no other type of salmon gear may be on board the vessel.

(iii) Fish other than salmon may be taken at any time unless restricted by the terms of a subsistence fishing permit.

(iv) Unless restricted by this section or under the terms of a subsistence fishing permit, fish may be taken by gear previously listed.

(v) Salmon may be taken only by gill net and seine.

(vi) Subsistence fishermen must be physically present at the net at all times the net is being fished.

(vii) The following locations are closed to the subsistence taking of salmon:

(A) All waters of Mill Bay and all those waters bounded by a line from Spruce Cape to the northernmost point of Woody Island, then to the northernmost point of Holiday Island, then to a point on Near Island opposite the Kodiak small boat harbor entrance and then to the small boat harbor entrance;

(B) All freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(C) All waters closed to commercial salmon fishing in the Barbara Cove, Chiniak Bay, Salfery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay, and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

(D) All waters 300 yards seaward of the terminus of Monks Creek;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island;

(G) All waters of Ouzinkie Harbor north of a line from 57°55'10" N. lat., 152°36' W. long. to 57°55'03" N. lat., 152°29'20" W. long.

(viii) A subsistence fishing permit is required for taking salmon, trout and char for subsistence purposes. A subsistence fishing permit is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from

May 1 through June 30. All subsistence fisherman shall keep a record of the number of subsistence fish taken each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game by February 1 of the year following the year the permit was issued.

(ix) only those residents domiciled in the Kodiak Island Borough, except those residing on the Kodiak Coast Guard base, may take salmon in the Kodiak Area. This restriction does not apply to the Mainland District, all waters along the southside of the Alaska Peninsula bounded by the latitude of Cape Douglas (58° 52' North latitude) mid-stream, Shelikof Strait, and west of the longitude of the southern entrance of Kmuya Bay near Kilokak Rocks (57°11'22" North latitude, 156°20'30" West longitude.)

(10) Cook Inlet Area. (i) The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58°52' N. lat.) and a line extending south from Cape Fairfield (148°40' W. long.).

(A) Northern District: North of a line extending from Boulder Point at 60°46'23" N. lat., to Shell Platform C, then to a point on the west shore at 60°46'23" N. lat.

(1) Eastern Subdistrict: All waters south of the latitude of Point Possession, north of the latitude of Boulder Point, and east of a line from Shell Platform C to a point at 61°02'40" N. Lat., 156°40' W. long.;

(2) In addition to paragraph (f)(10)(i)(A) (1) of this section, the Tyonek subdistrict includes those waters of the Northern District within mean lower tide from a point one mile south of the southern edge of the Chitna River south of the easternmost tip of Granite Point.

(3) General Subdistrict: All waters of the Northern District not specified above.

(B) Central District: All waters between a line extending from Boulder Point at 60°46'23" N. lat., to Shell Platform C, to a point on the west shore at 60°46'23" N. lat., and the latitude of Anchor Point Light (59°46'12" N. lat.)

(1) Kustatan Subdistrict: All waters within a line from the Drift River terminal to the South Kalgin Island Light at 60°20'48" N. lat., 152°04'30" W. long., northerly along the west side of Kalgin Island to Northwest Point at 60°31'15" N. lat., 155°55'45" W. long., bearing 43° to Shell Platform C, to a point on the west

shore at 60°46'23" N. lat., excluding the waters of the Kalgin Island Subdistrict;

(2) Upper Subdistrict: All waters within a line from Boulder Point to shell Platform C, then bearing 223° to Northwest Point at 60°31'15" N. lat., 151°55'45" W. long. then following the eastern shore of Kalgin Island to the South Kalgin Island Light at 60°20'48" N. lat., 152°09'42" W. long., then bearing 142° to the Ninilchik small boat harbor, excluding the waters of the Kalgin Island Subdistrict;

(3) Kalgin Island Subdistrict: All waters within a line encompassing Kalgin Island within one mile of mean lower low water as delineated by the most recent U.S. Coast and Geodetic Survey chart number 8553;

(4) Lower Subdistrict: Waters between a line extending from Ninilchik small boat harbor, then bearing 136° to the South Kalgin Light at 60°20'48" N. lat., 152°09'42" W. long., then bearing 236° to a point one nautical mile from the bluff on the northwestern shore of Chisik Island at 60°10'30" N. lat., 152°35' W. long., then in a southerly direction one nautical mile seaward of the mean high water line to a point at the southern end of the silver salmon set-net area at 59°58'5" N. lat., then bearing 270° to the shore, and the latitude of the Anchor Point Light, excluding the waters of the Chinitna Bay and the Kalgin Islands Subdistricts;

(5) Western Subdistricts: Water within a line from the Drift River terminal to the South Kalgin Light at 60°20'48" N. lat., 152°09'42" W. long., then bearing 236° to a point one nautical mile from the bluff on the northeast shore of Chisik Island at 60°10'30" N. lat., 152°35' W. long., then in a southerly direction one nautical mile seaward of the mean high water line to a point at the southern end of the silver salmon set-net area at 59°58'05" N. lat., then bearing 270° to the shore, excluding the waters of the Kalgin Island Subdistrict;

(6) Chinitna Bay Subdistrict: All waters in Chinitna Bay west of a line from Spring Point to Sea Otter Point.

(C) Southern District: All waters enclosed by a line from the westernmost tip of Anchor Point west to 59°46'15" N. lat., 162°20' W. long., then south to 59°03'25" N. lat., 152°20' W. long., then in a northeasterly direction to the tip of Cape Elizabeth, then from the tip of Cape Elizabeth to the tip of Point Adam;

(1) Port Graham Subdistrict: All waters east of the longitude of Point Bede and south of the latitude Point Pogibshi;

(2) Seldovia Bay Subdistrict: All waters south of a line from Point Naskowhak, to Seldovia Point;

(3) Barbara Creek Subdistrict: All waters between the longitudes of Seldovia Point and Nubble Point and south of 59°30' N. lat.;

(4) Tutka Bay Subdistrict: All waters east of the longitude of Nubble Point and south of the latitude of Anisom Point on the eastern shore of Eldred Passage at 59°32'06" N. lat., 141°27'55" W. long., including Kasitnsa Bay;

(5) Humpy Creek Subdistrict: All waters east of a line from an Alaska Department of Fish and Game marker on Glacier Spit at 59°38' N. lat., 151°12'31" W. long., to the Northshore Subdistrict line at 59°38'15" N. lat., 151°18'45" W. long., and southeast of a line from that point on the Northshore Subdistrict line at 59°38'15" N. lat., 151°18'45" W. long., to a point north of Chugachik Island at 59°45' N. lat., 151°02'36" S. long., to a point on the mainland at 59°44'30" N. lat., 151°02'06" W. long.

(6) Northshore Subdistrict: All waters north of a line from Coal Point to a point north of Chugachik Island at 59°45' N. lat., 151°02'36" W. long., then northwesterly to a marker one-half statute mile southwest of the terminus of Swift Creek;

(7) China Poot Subdistrict: All waters south of a line from Peterson Point at 59°35'48" N. lat., 151°16'24" W. long., to Coal Point on the tip of the Homer Spit at 59°36'06" N. lat., 151°24'30" W. long., to 59°32'06" N. lat., 151°33'05" W. long. to Anisom Point.

(8) Halibut Cove Subdistrict: All waters within a line from a marker on Glacier Spit at 59°38' N. lat., 151°12'30" W. long., to the intersection of the Northshore Subdistrict line at 59°38'15" N. lat., 151°18'45" W. long., to Coal Point to Peterson Point.

(D) Kamishak Bay District: All waters enclosed by a line from 59°46'15" N. lat., 153°30' W. long., then east to 59°46'15" N. lat., 152°20' W. long., then south to 59°03'25" N. lat., 152°20' W. long., then southwesterly to Cape Douglas (58°52' N. lat.).

(1) Iniskin Bay Subdistrict: All waters north of a line from a point on the east shore of Iniskin Bay near Scott Island at 59°38'35" N. lat., 153°25'30" W. long., to a point north of South Head at 59°37'20" N. lat., 153°33'30" W. long.;

(2) Cottonwood Bay Subdistrict: All waters west of a line from South Head north to a point at 59°37'20" N. lat., 153°33'30" W. long.;

(3) Ursus Cove Subdistrict: All waters west of the longitude of Ursus Head and north 59°28'05" N. lat.;

(4) Rocky Cove Subdistrict: All waters between 59°28'05" N. lat., and 59°25' N. lat., and west of 153°40' W. long.;

(5) Bruin Bay Subdistrict: All waters between 59°25' N. lat., and 59°20' N. lat., and west of 153°40' W. long.;

(6) Kamishak River Subdistrict: All waters east of a line from McNeil Head at 59°07'24" N. lat., 154°10'24" W. long. to the mushroom islet at 59°07'45" N. lat., 154°09'30" W. long. to the northern tip of Nordyke Island at 59°11' N. lat., 154°05' W. long., south of the latitude of the northern tip of Nordyke Island, and west of 153°50' W. long.;

(7) McNeil River Subdistrict: All waters southwest of a line from McNeil Head to a point of land at 59°09'30" N. lat., 154°12'45" W. long.;

(8) Chenik Subdistrict: All waters between 59°20' N. lat., and the latitude of the northern tip of Nordyke Island at 59°11' N. lat., 154°05' W. long., and west of 153°40' W. long.;

(9) Paint River Subdistrict: All waters south of the latitude of the northern tip of Nordyke Island at 59°11' N. lat., 154°05' W. long., west of a line from the northern tip of Nordyke Island to the mushroom islet at 59°07'45" N. lat., 154°09'30" W. long. to McNeil Head and east of a line from McNeil Head to a point of land at 59°09'30" N. lat., 154°12'45" W. long.;

(10) Douglas River Subdistrict: All waters west of the longitude of Cape Douglas (153°10'30" W. long.), south of the latitude of the northern tip of Nordyke Island at 59°11' N. lat., 154°05' W. long., and east of 153°50' W. long.

(E) Barren Island District: All waters enclosed by a line from Cape Douglas (58°52' N. lat.) to the tip of Cape Elizabeth, then south to 58°52' N. lat., 151°53' W. long., then west to Cape Douglas.

(F) Outer District: All waters enclosed by a line from the tip of Point Adam to the tip of Cape Elizabeth, then south to 58°52' N. lat., 151°53' W. long., then east to the longitude of Alijo Point (149°44'33" W. long.), then north to the tip of Alijo Point.

(1) Koyuktolik Subdistrict: All waters east of the longitude of Point Adam and north of 59°13'55" N. lat.;

(2) Port Chatham Subdistrict: All waters north of 59°10' N. lat., and east of 151°50' W. long.;

(3) Windy Bay Subdistrict: All waters west of a line from 59°12'33" N. lat., 151°27'30" W. long., to 59°14'08" N. lat., 151°26'24" W. long.;

(4) Rocky Bay Subdistrict: All waters north of a line from 59°14'08" N. lat., 151°26'24" W. long., to 59°12'24" N. lat., 151°19'15" W. long.; Scurvey Creek Section: all waters northwest of a line from 59°34'30" N. lat., 151°26'24" W. long. to a point on the southwest corner of Picnic Harbor at 59°15'05" N. lat., 151°25' W. long.;

(5) Port Dick Subdistrict: All waters of Port Dick north of 59°13' 12" N. lat.;

(i) Port Dick North Section: All waters of the northern shore of West Arm bounded by a line from the marker at 59°18'40" N. lat., 151°16'50" W. long., south to a point 300 yards offshore then southeasterly to 59°16'50" N. lat., 151°05'55" W. long. then north to the waterfall at 59°16'40" N. lat.

(ii) Port Dick South Section: Waters of the subdistrict not included in the Port Dick North Section.

(6) Nuka Island Subdistrict: All waters of Nuka Passage north of a line from Front Point to Nuka Point and south of the latitude of Hardover Point;

(7) East Nuka Subdistrict: All waters of the East Arm of Huka Bay north of the latitude of Harrington Point.

(G) Eastern District: All waters east of the longitude of Alijo Point (149°44'33" W. long.), west of the longitude of Cape Fairfield (148°50' W. long.), and north of 58°52' N. lat.

(1) Aialik Bay Subdistrict: All waters north of a line from Alijo Point to Aialik Cape;

(2) Resurrection Bay Subdistrict: All waters north of the latitude of Caines Head (59°59' N. lat.).

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Cook Inlet area.

(iii) Salmon may be taken for subsistence purposes only as follows:

(A) In the Tyonek subdistrict;

(1) From May 15 through June 15 from 4:00 a.m. to 8:00 p.m. on Tuesdays, Thursdays and Fridays;

(2) From June 16 through October 15 from 6:00 a.m. to 6:00 p.m. on Saturdays;

(3) The season described in paragraph (f)(10)(iii)(A) (1) of this section shall close by emergency order when 4,200 king salmon have been taken;

(4) The season described in paragraph (f)(10)(iii)(A) (2) of this section shall not open until July 1, if 4,200 king salmon are taken before June 16.

(B) In the Port Graham and Koyuktolik Subdistricts from April 1 through September 30 from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday;

(iv) Dolly varden may be taken in fresh water for subsistence purposes in the Port Graham Subdistrict only from April 1 through May 31.

(v) Only those residents domiciled in Port Graham and English Bay may take salmon in the Port Graham and Koyuktolik Subdistricts and dolly varden in fresh water in the Port Graham Subdistrict.

(vi) Only those residents domiciled in the village of Tyonek may take salmon in the Tyonek Subdistrict.

(vii) Unless otherwise restricted or under the terms of a subsistence fishing permit, fish may be taken by listed gear.

(viii) Salmon may be taken only as follows:

(A) In the Tyonek Subdistrict by set gill nets not exceeding 10 fathoms in length, six inches in mesh size and 45 meshes in depth;

(B) In the Port Graham and Koyuktolik Subdistricts by set gill nets not exceeding 35 fathoms in length, six inches in mesh size and 45 meshes in depth;

(C) No part of a set gill net may be set or operated within 600 feet of any part of another set gill net.

(ix) No person may operate or assist in the operation of subsistence salmon net gear on the same day that person operates or assists in the operation of commercial salmon gear.

(x) Bottomfish may be taken by legal gear for commercial bottomfish in the area.

(xi) Smelt and herring may be taken only with gill nets and dip nets. Gill nets used to take smelt may not exceed 50 feet in length and two inches in mesh size.

(xii) Gill nets may not be used in fresh water, except for the taking of whitefish in the Tyonek River drainage.

(xiii) Dolly varden may be taken in fresh water only by beach seines not exceeding 10 fathoms in length.

(xiv) All salt water is closed to the taking of finfish except

(A) The Tyonek and Port Graham Subdistricts;

(B) Salmon may be taken in the Koyuktolik Subdistrict.

(xv) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(xvi) Trout, grayling, char, and burbot may not be taken in fresh water, except that dolly varden may be taken in fresh water in the Port Graham Subdistrict.

(xvii) Salmon may be taken only under the authority of a subsistence fishing permit issued by the Alaska Department of Fish and Game; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily salmon catches on forms provided by the department.

(xviii) Whitefish may be taken only in the Tyonek River drainage and only under the authority of a permit issued by the department.

(xix) Dolly varden may be taken in fresh water only under the authority of a subsistence fishing permit issued by the department; only one permit may be issued to a household each year. A

subsistence fishing permit holder shall record daily dolly varden catches on forms provided by the department.

(xx) No person may possess salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) have been immediately removed from the salmon.

(xxi) It is unlawful to purchase or sell salmon from which both lobes of the caudal fin (tail) have been removed.

(xxii) The total annual possession limit for each subsistence salmon permit is as follows:

(A) There is no total annual possession limit for holders of Port Graham and Koyuktolik Subdistrict subsistence salmon fishing permits;

(B) 25 salmon for the head of household and 10 salmon for each dependent of the permit holder.

(C) In addition to the limits in (B) of this subsection, the holder of a Tyonek subdistrict subsistence salmon fishing permit may take 70 king salmon; no more than 4,200 king salmon may be taken in the Tyonek subdistrict during the period May 15 through June 30.

(11) Prince William Sound Area.

(i) The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(A) The Upper Copper River District consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek as designated by Alaska Department of Fish and Game regulatory markers.

(2) The Chitina Subdistrict consists of all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge and the east side of the Copper River from the upstream edge of the bridge to an Alaska Department of Fish and Game regulatory marker located one quarter of a mile upstream of the bridge.

(3) The Glennallen Subdistrict consists of all remaining waters of the Upper Copper River District.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Prince William Sound Area.

(iii) Salmon may be taken in the Upper Copper River District only as follows:

(A) In the Glennallen Subdistrict, from June 1 through September 30;

(B) In the Chitina Subdistrict, only when that subdistrict is open to the personal use salmon fishing;

(C) When the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye or chinook salmon, the fishery may be reopened September 1 for the taking of coho salmon, which constitute the majority of the salmon at that time.

(iv) Herring spawn on kelp may be taken only during the open commercial herring spawn on kelp season.

(v) Fish may be taken by gear previously listed unless restricted in this section or under the term of a subsistence fishing permit.

(vi) Salmon may be taken only by the following types of gear:

(A) In the Glennallen Subdistrict by fishwheels or dip nets;

(B) In the Chitina Subdistrict by dip nets when the personal use salmon fishery is open in that subdistrict;

(C) In salt water by gill nets and seines.

(vii) Fishwheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain. Subsistence fishwheels must be removed from the water at the end of the permit period. Each permittee may operate only one fishwheel at any one time. No person may set or operate a fishwheel within 75 feet of another fishwheel. No fishwheel may have more than two baskets.

(viii) The permit holder (permittee) must personally operate the fishwheel or dip net. A subsistence fishwheel or dip net permit may not be loaned or transferred except as permitted by Alaska regulations.

(ix) Herring spawn on kelp may be taken only by a hand-held unpowered blade cutting device. Kelp plant blades must be cut at least four inches above the stipe (stem). The provisions of this subsection do not apply to "Fucus" species.

(x) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fishwheel so that the name and address are plainly visible.

(xi) All tributaries of the Copper River and waters of the Copper River not in the Upper Copper River District are closed to the taking of salmon.

(xii) Crosswind Lake is closed to all subsistence fishing.

(xiii) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(xiv) Salmon may not be taken in the Chitina Subdistrict, or in any portion of the subdistrict, when those waters are closed to personal use salmon fishing.

(xii) Gill nets may not be used in fresh water, except for the taking of whitefish in the Tyonek River drainage.

(xiii) Dolly varden may be taken in fresh water only by beach seines not exceeding 10 fathoms in length.

(xiv) All salt water is closed to the taking of finfish except

(A) The Tyonek and Port Graham Subdistricts;

(B) Salmon may be taken in the Koyuktolik Subdistrict.

(xv) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(xvi) Trout, grayling, char, and burbot may not be taken in fresh water, except that dolly varden may be taken in fresh water in the Port Graham Subdistrict.

(xvii) Salmon may be taken only under the authority of a subsistence fishing permit issued by the Alaska Department of Fish and Game; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily salmon catches on forms provided by the department.

(xviii) Whitefish may be taken only in the Tyonek River drainage and only under the authority of a permit issued by the department.

(xix) Dolly varden may be taken in fresh water only under the authority of a subsistence fishing permit issued by the department; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily dolly varden catches on forms provided by the department.

(xx) No person may possess salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) have been immediately removed from the salmon.

(xxi) It is unlawful to purchase or sell salmon from which both lobes of the caudal fin (tail) have been removed.

(xxii) The total annual possession limit for each subsistence salmon permit is as follows:

(A) There is no total annual possession limit for holders of Port Graham and Koyuktolik Subdistrict subsistence salmon fishing permits;

(B) 25 salmon for the head of household and 10 salmon for each dependent of the permit holder.

(C) In addition to the limits in (B) of this subsection, the holder of a Tyonek subdistrict subsistence salmon fishing permit may take 70 king salmon; no more than 4,200 king salmon may be taken in the Tyonek subdistrict during the period May 15 through June 30.

(11) Prince William Sound Area.

(i) The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(A) The Upper Copper River District consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek as designated by Alaska Department of Fish and Game regulatory markers.

(1) The Chitina Subdistrict consists of all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge and the east side of the Copper River from the upstream edge of the bridge to an Alaska Department of Fish and Game regulatory marker located one quarter of a mile upstream of the bridge.

(2) The Glennallen Subdistrict consists of all remaining waters of the Upper Copper River District.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Prince William Sound Area.

(iii) Salmon may be taken in the Upper Copper River District only as follows:

(A) In the Glennallen Subdistrict, from June 1 through September 30;

(B) In the Chitina Subdistrict, only when that subdistrict is open to the personal use salmon fishing;

(C) When the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye or chinook salmon, the fishery may be reopened September 1 for the taking of coho salmon, which constitute the majority of the salmon at that time.

(iv) Herring spawn on kelp may be taken only during the open commercial herring spawn or kelp season.

(v) Fish may be taken by gear previously listed unless restricted in this section or under the terms of a subsistence fishing permit.

(vi) Salmon may be taken only by the following types of gear:

(A) In the Glennallen Subdistrict by fishwheels or dip nets;

(B) In the Chitina Subdistrict by dip nets when the personal use salmon fishery is open in that subdistrict;

(C) In salt water by gill nets and seines.

(vii) Fishwheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain. Subsistence fishwheels must be removed from the water at the end of the permit period. Each permittee may operate only one fishwheel at any one time. No person may set or operate a fishwheel within 75 feet of another

fishwheel. No fishwheel may have more than two baskets.

(viii) The permit holder (permittee) must personally operate the fishwheel or dip net. A subsistence fishwheel or dip net permit may not be loaned or transferred except as permitted by Alaska regulations.

(ix) Herring spawn on kelp may be taken only by a hand-held unpowered blade cutting device. Kelp plant blades must be cut at least four inches above the stipe (stem). The provisions of this subsection do not apply to "Fucus" species.

(x) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fishwheel so that the name and address are plainly visible.

(xi) All tributaries of the Copper River and waters of the Copper River not in the Upper Copper River District are closed to the taking of salmon.

(xii) Crosswind Lake is closed to all subsistence fishing.

(xiii) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(xiv) Salmon may not be taken in the Chitina Subdistrict, or in any portion of the subdistrict, when those waters are closed to personal use salmon fishing.

(xv) Salmon may not be taken on the east side of the Copper River from the upstream edge of the Chitina-McCarthy Road Bridge upstream to the Alaska Department of Fish and Game regulatory marker located one quarter of a mile upstream of the bridge.

(xvi) Except as provided in this section, fish other than salmon and freshwater fish species may be taken for subsistence purposes without a subsistence fishing permit.

(xvii) Salmon and freshwater fish species may be taken only under the authority of a subsistence fishing permit.

(xviii) Only one subsistence fishing permit will be issued to each household per year.

(xix) A subsistence salmon fishing permit for the Upper Copper River District will be issued only to a resident domiciled in Game Management Units 11, 13-A, 13-B, 13-C, and 13-D; in Game Management Unit 12 except that portion east of the Nabesna River and south of the winter trail running southeast from Pickerel Lake to the Canadian border; and in that road-connected area of Game Management Unit 20-D from Alaska Highway Milepost 1371.4 to Milepost 1347. The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one type of gear may be specified on a permit;

(B) Only one permit per year may be issued to a household;

(C) Permits must be returned to the Alaska Department of Fish and Game no later than October 31, or a permit for the following year may be denied.

(D) During closed fishing periods, the Alaska Department of Fish and Game's Chitina permit issuing station may be closed or operated at reduced hours to reduce costs.

(xx) The total annual possession limit for an Upper Copper River District subsistence salmon fishing permit is as follows:

(A) 30 salmon for a household with one person;

(B) 60 salmon for a household with two persons;

(C) 10 salmon for each additional person in a household over two;

(D) Upon request, permits for additional salmon will be issued with the following limits:

(1) No more than a total of 200 salmon for a permit issued to a household with one person;

(2) No more than a total of 500 salmon for a permit issued to a household with two or more persons.

(xxi) No person may possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless the dorsal fin has been immediately removed from the salmon.

(xxii) In locations open to commercial salmon fishing and in conformance with commercial salmon fishing regulations, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

(B) 30 salmon for a household of two persons;

(C) 10 salmon for each additional person in a household over two;

(D) No more than five king salmon may be taken per permit.

(xxiii) Salmon, other than chinook salmon, may be taken in the vicinity of the former native village of Batzulnetas under the following conditions:

(A) Salmon may be taken only under the authority of a Batzulnetas subsistence salmon fishing permit issued by ADF&G; permits may be issued only to those residents domiciled in the villages of Dot Lake and Mentasta;

(B) Salmon may be taken only in those waters of the Copper River between Alaska Department of Fish and Game regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between Alaska Department of Fish and Game

regulatory markers identifying the open waters of the creek;

(C) Fishwheels and dipnets only may be used on the Copper River; dipnets and spears only may be used in Tanada Creek;

(D) Salmon may be taken only from June 1 through September 1 or until the season is closed by emergency order; fishing periods are to be established by emergency order and are two days per week during the month of June and 3.5 days per week for the remainder of the season;

(E) Chinook salmon taken must be released to the water unharmed; fish wheels must be equipped with a live box or be monitored at all times;

(F) The permit must be returned to the Alaska Department of Fish and Game's Glennallen office no later than September 30 of each year.

(xxiv) Subsistence salmon fishing permits for the Southwestern District and Green Island may be issued only to those residents domiciled in the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield and all waters surrounding Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands. Salmon may be taken for subsistence purposes in those waters only as follows:

(A) Salmon may be taken only in the Southwestern District, as described in above, and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip;

(B) Salmon may be taken only by gill nets up to 150 fathoms in length, except that pink salmon may be taken in fresh water by dipnets only;

(C) Salmon may be taken only from May 15 through September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) No fishing is allowed within the closed waters areas for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(F) There are no bag and possession limits for this fishery;

(G) Permits may be issued only at Chenega Bay village.

(xxv) Subsistence salmon fishing permits for those waters north of a line from Porcupine Point to Granite Point,

and south of a line from Point Lowe to Tongue Point, may be issued only to those residents domiciled in the villages of Tatitlek and Ellamar. Salmon may be taken for subsistence purposes in those waters only as follows:

(A) Salmon may be taken only in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point;

(B) Salmon may be taken only by gill nets up to 150 fathoms in length, with a maximum mesh size of 6.25 inches, except that pink salmon may be taken in fresh water by dipnets only;

(C) Salmon may be taken only from May 15 through September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) No fishing is allowed within the closed waters areas for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(F) There are no bag and possession limits for this fishery;

(G) Permits may be issued only at Tatitlek village.

(12) Yakutat Area. (i) The Yakutat area includes all waters of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Yakutat area.

(iii) Salmon may not be taken during the period commencing 48 hours before an opening until 48 hours after the closure of an open commercial salmon net fishing season. This applies to each river or bay fishery individually.

(iv) When the length of the weekly commercial salmon net fishing period exceeds two days in the Yakutat Area salmon net fishery the subsistence fishing period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location.

(v) Only those residents domiciled east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island may take

(A) Herring and herring spawn in waters of Yakutat Bay, including Russell Fjord, within a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape;

(B) Bottomfish in waters of Yakutat Bay, including Russell Fjord, and in

waters of Alaska from Point Manby to Ocean Cape bounded by Loran C lines 7960-Y-30630 and 7960-Y-30430;

(C) Salmon in freshwater upstream from the terminus of streams and rivers of the Yakutat area from the Doame River to the Tsiu River, in waters of Yakutat Bay and Russell Fiord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape, and in waters of Icy Bay inside a line from the Westernmost tip of Point Riou to Icy Cape Light;

(D) Dolly varden char, steelhead trout, and smelt in freshwater upstream from the terminus of streams and rivers of the Yakutat area from the Doame River to Point Manby, and in waters of Yakutat Bay and Russell Fiord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.

(vi) Fish may be taken by gear previously listed, unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gill net at all times when it is being used to take salmon.

(viii) Salmon, trout and char may be taken only under authority of a subsistence fishing permit.

(ix) The Alaska Department of Fish and Game shall not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any steelhead trout taken in this manner on his or her permit calendar.

(x) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(xi) Subsistence fishermen must remove the dorsal fin from subsistence caught salmon when taken.

(13) Southeastern Alaska Area. (i) The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(A) District 1: All waters east and north of a line from the southernmost tip of Caamano Point to 54°40' N. lat., 131°45' W. long., and north of a line from 54°40' N. lat., 131°45' W. long., 54°42'29" N. lat., 130°36'55" W. long.

(1) Section 1-A: All waters of Portland Canal north of the latitude of Hattie Island light;

(2) Section 1-B: All waters south of Section 1-A and east and south of a line extending three miles bearing 297° from the range marker located at Foggy Point (54°55'32" N. lat., 130°58'30" W. long.) and then south to intersect a line between Barren Island Light and Lord Rock Light, then to Lord Rock Light, and then to the southern boundary of district 1;

(3) Section 1-C: Waters of the district between a line from a point at 55°11'47" N. lat., 131°05'08" W. long., located on Point Sykes to a point at 55°12'13" N. lat., 131°05'42" W. long., located one-half mile northwest of Point Sykes to Point Alava, and a line from Point Eva to Cactus Point;

(4) Section 1-D: Waters of the district between a line from Point Eva to Cactus Point and a line from Nose Point to Snail Point;

(5) Section 1-E: Waters of the district between a line from Caamano Point to Point Higgins and a line from Nose Point to Snail Point;

(6) Section 1-F: All other waters of the District.

(B) District 2: All waters south of a line from the easternmost tip of Narrow Point to the northernmost tip of Lemesurier Point, west of District 1 and east of a line from Point Marsh Light to 54°40' N. lat., 132°17'30" W. long.

(C) District 3: All waters north of a line from Point Marsh Light to 54°40' N. lat., 132°17'30" W. long. to the southernmost tip of Cape Mazon and east of a line from the northernmost tip of Eagle Point on Dall Island and passing successively through the southernmost tip of Point Arboleda, the northernmost tip of Point San Roque, the southernmost tip of Cape Ulitka, the northeasternmost tip of Cape Lynch to the southwest entrance point of Halibut Harbor on Kosciusko Island, and south of the latitude of Aneskett Point (56°08'50" N. lat.);

(1) Section 3-A: Waters of the district south of 55°15' N. lat., excluding waters of Meares Passage;

(2) Section 3-B: Waters of the district south of the latitude of Cape Lynch (55°47' N. lat.) and north of 55°15' N. lat., including all waters of Meares Passage;

(3) Section 3-C: Waters of the district north of the latitude of Cape Lynch (55°47' N. lat.);

(D) District 4: All waters north of Cape Mazon, west of District 3, and south of a line from Helm Point on Coronation Island to Cape Lynch.

(E) District 5: Waters of Sumner Strait, north and east of a line from Cape Decision of Helm Point to Cape Lynch to

the southwest entrance point of Halibut Harbor, and north of the latitude of Aneskett Point, west of a line from Point Baker to Point Barrie, and south of a line from Point Camden to Salt Point Light in Keku Strait.

(F) District 6: All waters of Clarence Strait north of a line from Narrow Point to Lemesuriere Point to Ernest Point to the most southerly point of Etolin Island, Stikine Strait south of the latitude of Round Point, Sumner Strait west of a line from Point Alexander to Low Point, and east of a line from Point Baker to Point Barrie, Wrangell Narrows south and west of a line from Prolewy Point to the northern tip of Mitkof Island, and all waters of Duncan Canal;

(1) Section 6-A: Waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barrie to the tip of Point Baker;

(2) Section 6-B: Waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock Light to Key Reef Light to Nesbitt Reef Light to the tip of Point Nesbitt.

(3) Section 6-C: Waters enclosed by a line from Lincoln Rock Light to the westernmost point of Screen Islands to the westernmost point of Marsh Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef Light to Key Reef Light to Lincoln Rock Light;

(4) Section 6-D: all other waters of the district.

(G) District 7: All contiguous waters of Ernest Sound and Bradfield Canal east of a line from Lemesurier Point to Ernest Point to the most southerly point of Etolin Island, Zimovia Strait south of the latitude of Nemo Point, and Eastern Passage and Blake Channel south of a line from Babbler Point to Hour Point;

(1) Section 7-A: Waters of the district north of the latitude of Point Eaton;

(2) Section 7-B: Waters of the district south of the latitude of Point Eaton.

(H) District 8: Waters of Frederick Sound south of a line from Wood Point to beacon Point (excluding Wrangell Narrows), Stikine Strait, Sumner Strait, Zimovia Strait and eastern Passage inside a line from Point Alexander to Low Point to Round Point to Nemo Point to Hour Point to Babbler Point;

(1) Section 8-A: Waters of the district north of a line from Blaquiére Point to Kakwan Point.

(2) Section 8-B: Waters of the district south of a line from Blaquiére Point to Kakwan Point.

(I) District 9: All waters of Frederick Sound and Chatham Strait south of the latitude of the southernmost tip of Point Gardner, south of the latitude of the southernmost tip of Elliott Island and west of a line from the southernmost tip of Elliott Island to the westernmost tip of Point Macartney, north and west of a line from the northernmost tip of Point Camden to Salt Point Light, north and east of a line from the southernmost tip of Cape Decision to the southernmost tip of Helm Point to the westernmost tip of Hazy Islands to Cape Ommaney Light;

(J) Section 9-A: Waters of the district west of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner;

(2) Section 9-B: Waters of the district east of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(J) District 10: Frederick Sound, Stephens Passage and contiguous waters north of a line from Beacon Point to Wood Point, east of a line from Point Macartney to the southern tip of Elliott Island, north of the latitude of the southern tip of Elliott Island, Seymour Canal south of 57°37' N. lat., and south of a line from Point League to Point Hugh.

(K) District 11: Stephens Passage and contiguous waters north of a line from Point League to Point Hugh and Seymour Canal north of 57°37' N. lat., south of the latitude of Little Island Light, and east of a line from Little Island Light to Point Retreat Light;

(1) Section 11-A: Waters of the district north and west of a line from a point at 58°12'20" N. lat., 134°10' W. long., to the Coast Guard marker and Light on Point Arden;

(2) Section 11-B: Waters of the district north of the latitude of Midway Island Light and south and east of a line from a point at 58°12'20" N. lat., 134°10' W. long., to the Coast Guard marker and Light on Point Arden.

(3) Section 11-C: Waters of the district south of the latitude of Midway Island Light to a line from Point League to Point Hugh;

(4) Section 11-D: All waters of Seymour Canal north of 57°37' N. lat.

(L) District 12: All waters of Lynn Canal and Chatham Strait south of the latitude of Little Island Light to the latitude of Point Gardner, west of a line from Little Island Light to Point Retreat Light, east of a line from Point Couverdon to Point Augusta, and east of a line from Point Hayes to Point Thacher.

(J) Section 12-A: All waters of Chatham Strait south of the latitude of

Point Couverdon (58°11'25" N. lat.) to the latitude of Point Gardner (57°01' N. lat.), east of a line from the southeasternmost tip of Point Hayes to the northernmost tip of Point Thacher;

(2) Section 12-B: All waters of Lynn Canal south of the latitude of Little Island Light, west of a line from Little Island Light to Point Retreat Light and north of the latitude of Point Couverdon (58°11'25" N. lat.).

(M) District 13: All waters north of the latitude of the southernmost tip of Helm Point and west of a line from the southernmost tip of Helm Point to the westernmost tip of Hazy Island to Cape Ommaney Light, south of a line projecting west from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point and west of a line from the southernmost tip of Point Hayes to the northernmost tip of Point Thacher.

(1) Section 13-A: All waters north of 57°16' N. lat. and those waters of Peril Strait south of the latitude of Pogibshi Point (57°30'30" N. lat.);

(2) Section 13-B: All waters south of 57°16' N. lat.;

(3) Section 13-C: Waters of the district north of the latitude of Pogibshi Point and west of a line from Point Hayes to Point Thatcher in Peril Strait.

(N) District 14: All waters of Icy Strait west of a line from the southernmost tip of Point Couverdon to Point Augusta Light, east of a straight line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island and north of a line from the northernmost point of Soapstone Point to the westernmost point of Column Point;

(1) District 14-A: Waters of the district west of a line beginning at 58°13' N. lat., 135°57' W. long. to Lemesurier Island to Point Carolus;

(2) Section 14-B: Waters of the district east of a line beginning 58°13' N. lat., 135°57' W. long. to Lemesurier Island to Point Carolus and west of a line from Point Sophia to Excursion Point at 58°22'30" N. lat., 135°29' W. long.;

(3) Section 14-C: Waters of the district east of a line from Point Sophia to Excursion Point at 58°22'30" N. lat., 135°29' W. long.

(O) District 15: All waters of Lynn Canal north of the latitude of Little Island Light;

(1) Section 15-A: All waters of the district north of the latitude of Sherman Rock Light;

(2) Section 15-B: Waters of Berners Bay east of a line from Point St. Mary to Point Bridget;

(3) Section 15-C: All waters of the district south of the latitude of Sherman Rock Light, except for the waters of Section 15-B.

(P) District 16: All waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

(Q) Dixon Entrance District: All waters east of 138°45'20" W. long., south of the southern boundaries of Districts 1, 2, 3 and 4 and north of a line from 54°43'30" N. lat., 130°37'37" W. long., to 54°43'24" N. lat., 130°37'39" W. long., to 54°43'15" N. lat., 130°37'44" W. long., to 54°43'00" N. lat., 130°37'55" W. long., to 54°42'58" N. lat., 130°37'57" W. long., to 54°42'47" N. lat., 130°38'06" W. long., to 54°42'22" N. lat., 130°38'26" W. long., to 54°41'09" N. lat., 130°38'58" W. long., to 54°39'54" N. lat., 130°38'58" W. long., to 54°39'14" N. lat., 130°39'18" W. long., to 54°39'48" N. lat., 130°41'35" W. long., to 54°40'03" N. lat., 130°42'22" W. long., to 54°40'42" N. lat., 130°44'43" W. long., to 54°40'41" N. lat., 130°44'59" W. long., to 54°40'46" N. lat., 130°45'51" W. long., to 54°41'06" N. lat., 130°48'31" W. long., to 54°41'05" N. lat., 130°49'17" W. long., to 54°41'21" N. lat., 130°53'18" W. long., to 54°41'26" N. lat., 130°53'39" W. long., to 54°42'27" N. lat., 130°56'18" W. long., to 54°42'34" N. lat., 130°57'09" W. long., to 54°43'00" N. lat., 130°57'41" W. long., to 54°43'46" N. lat., 130°58'55" W. long., to 54°44'12" N. lat., 130°59'44" W. long., to 54°45'39" N. lat., 131°03'06" W. long., to 54°46'16" N. lat., 131°04'43" W. long., to 54°42'11" N. lat., 131°13'00" W. long., to 54°11' N. lat., 134°01'52" N. lat., 131°13'54" W. long., to 54°39'09" N. lat., 131°16'17" W. long., to 54°36'52" N. lat., 131°19'22" W. long., to 54°29'53" N. lat., 131°33'48" W. long., to 54°30'32" N. lat., 131°38'01" W. long., to 54°28'18" N. lat., 131°45'20" W. long., to 54°26'41" N. lat., 131°49'28" W. long., to 54°21'51" N. lat., 132°02'54" W. long., to 54°24'52" N. lat., 132°23'39" W. long., to 54°24'41" N. lat., 132°24'29" W. long., to 54°24'41" N. lat., 132°24'35" W. long., to 54°24'39" N. lat., 132°26'51" W. long., to 54°24'34" N. lat., 132°38'16" W. long., to 54°24'54" N. lat., 132°39'46" W. long., to 54°26'00" N. lat., 132°44'12" W. long., to 54°27'07" N. lat., 132°49'35" W. long., to 54°27'07" N. lat., 132°50'42" W. long., to 54°28'25" N. lat., 132°55'54" W. long., to 54°28'32" N. lat., 132°56'28" W. long., to 54°30'03" N. lat., 133°07'00" W. long., to 54°30'10" N. lat., 133°07'43" W. long., to 54°30'42" N. lat., 133°11'28" W. long., to 54°31'02" N. lat., 133°14'00" W. long., to 54°30'06" N. lat., 133°16'58" W. long., to 54°22'01" N. lat., 133°44'24" W. long., to 54°20'33" N. lat., 133°49'21" W. long., to 54°15'40" N. lat.,

134°19'49" W. long., to 54°12'57" N. lat.,
134°23'47" W. long., to 54°12'45" N. lat.,
134°25'03" W. long., to 54°07'30" N. lat.,
134°56'24" W. long., to 54°00'01" N. lat.,
135°45'57" W. long., to 53°28'27" N. lat.,
138°45'20" W. long.

(ii) Unless restricted in this section or under the terms of a subsistence fishing permit, fish may be taken in the Southeastern Alaska Area at any time.

(iii) Herring may be taken at any time except that vessels licensed as commercial fishing vessels may not be used to take herring for personal use in any district that is open for commercial herring fishing for 72 hours before, during and 72 hours after any open commercial herring fishing period for that district when the vessel has aboard it any person holding a Southeastern Alaska Area winter bait herring or herring sac roe interim-use or entry permit.

(iv) Coho salmon may be taken from Salt Lake and Mitchell Bay from August 1 through October 31.

(v) From July 7 through July 31, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(vi) Finfish may be taken for subsistence purposes only as provided in this section:

(A) Klukwan: Only those residents domiciled west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River may take herring, herring spawn, and bottomfish in waters of Section 15-A; and salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point.

(B) Haines: Only those residents domiciled in the City and Borough of Haines, excluding residents domiciled in the village of Klukwan and in the drainage of Excursion Inlet, may take herring, herring spawn, and bottomfish in waters of Section 15-A; and salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point.

(c) Hoonah: Only those residents domiciled in the City of Hoonah and in Chichagof Island drainage on the eastern shore of Port Frederick from Gartina Creek to Point Sophia may take

herring, herring spawn, and bottomfish in waters of District 14 east of the longitude of Point Dundas; and salmon, smelt, and dolly varden char in waters of section 14-B and 14-C, in District 13 in waters along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light, and in District 12 in waters of Basket Bay inside a line from 57°39'50" N. lat., 134°53'12" W. long. to 57°39'17" N. lat., 134°53'53" W. long.

(D) Angoon: Only those residents domiciled in the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' W. long., including Killisnoo Island, may take herring, herring spawn, and bottomfish in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in Section 13-C east of the longitude of Point Elizabeth; and salmon and dolly varden char in waters of District 12 south of a line from Fishery Point to South Passage Point and north of the latitude of Point Caution and in waters of Section 13-C east of the longitude of Point Elizabeth.

(E) Sitka: Only those residents of the City and Borough of Sitka domiciled in drainage which empty into Section 13-B north of the latitude of Dorothy Narrows, except those domiciled in the U.S. Coast Guard base on Japonski Island, may take herring and herring spawn in waters of Section 13-B north of the latitude of Aspid Cape; and sockeye salmon in waters of Section 13-A south of the latitude of Cape Edward, in waters of Section 13-B north of the latitude of Redfish Cape, and in waters of Section 13-C.

(F) Kake: Only those residents domiciled in the City of Kake and in Kupreanof Island drainage into Keku Strait south of Point White and north of the Portage Bay boat harbor may take herring, herring spawn, and bottomfish in waters of Section 9-B north of the latitude of Point Ellis, in waters of District 10 west of a line from Pinta Point to Point Pybus, and in waters of District 5 north of 56°40' N. lat.; and salmon and dolly varden char in Sections 9-A and 9-B in waters north of the latitude of Swain Point, in waters of District 10 west of a line from Pinta Point to False Point Pybus, and in waters of District 5 north of a line from Point Barrie to Boulder Point.

(G) Saxman: Only those residents domiciled in the City of Saxman may take herring and herring spawn in waters of Section 1-F between Point Sykes and Foggy Point to a distance of 2 nautical miles from shore; bottomfish in waters of Section 1-F north of the

latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra, and in waters of Section 1-E south of the latitude of Grant Island light; and salmon and dolly varden char in waters of Section 1-C in Checats Cove east of the longitude of Edith Point, in waters of Section 1-D in Yes Bay north of a line from Syble Point to Bluff Point, in Section 1-E in waters of Helm Bay north of the latitude of Helm Point and in waters of the Naha River and Roosevelt Lagoon, and in Section 1-F in waters of George Inlet north of 55°26' N. lat. and in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.

(H) Kasaan: Only those residents domiciled in the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132°20' W. long. and east of 132°25' W. long. may take herring and herring spawn in waters of District 2 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, and in waters of Section 3-B in San Alberto Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long.; and salmon, dolly varden char, and bottomfish in waters of District 2 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.

(I) Klawock: Only those residents domiciled in the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989 may take herring and herring spawn in waters of Section 3-B in San Alberto Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long., and in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point; bottomfish in waters of Section 3-B; and salmon, dolly varden char, and steelhead trout in Section 3-B in waters east of line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55°44' N. lat., 133°25' W. long. to Bay Point, and in Section 3-C in waters of Karheen Passage north of 55°48' N. lat. and east of 133°20' W. long. and in waters of Sarkar Cove and Sarkar Lakes.

(J) Craig: Only those residents domiciled in the City of Craig and on

Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989 may take herring and herring spawn in waters of Section 3-B in San Alberto Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long., and in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point; bottomfish in waters of Section 3-B; and salmon, dolly warden char, and steelhead trout in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point of Hecata Island at 55°44' N. lat., 133°25' W. long. to Bay Point, and in Section 3-C in waters of Karheen Passage north of 55°48' N. lat. and east of 133°20' W. long. and in waters of Sarkar Cove and Sarkar Lakes.

(K) Hydaburg: Only those residents domiciled in the townsite of Hydaburg may take herring and herring spawn in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point, and in waters of Section 3-B in San Alberto Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long.; bottomfish in waters of Section 3-A, and in waters of Section 3-B south of the latitude of Bocas Point, excluding Port Refugio; and salmon and dolly warden char in waters of Section 3-A and in waters of District 2 in Nichols Bay north of 54°42' 07" N. lat.

(vii) Fish may be taken by gear previously listed except as may be restricted under the terms of a subsistence fishing permit and except as follows:

(A) In District 13, Redoubt Bay, gill net or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(B) Set gill nets may not be used to take salmon except in the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge;

(C) Beach seines and gaffs only may be used to take coho salmon during the season and including coho salmon which may be taken from Salt Lake and Mitchell Bay from August 1 through October 31.

(viii) The following waters are closed to subsistence salmon fishing: in District 15, saltwaters of Lynn Canal including Chilkat, Chilkoot and Lutak Inlets, during the closed period of the commercial salmon net fishery in the district, except that salmon may be taken in saltwaters of Lutak Inlet on the

Saturday before any period that the commercial salmon net fishery is open in the inlet to the terminus of the Chilkoot River.

(ix) Salmon, trout, char and herring spawn on kelp may be taken only under authority of a subsistence fishing permit.

(x) Permits will not be issued for taking chinook or coho salmon, except for coho salmon as provided in Salt Lake and Mitchell Bay from August 1 through October 31, but chinook or coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon fishing permit must report and chinook or coho salmon taken in this manner on his or her permit calendar.

(xi) In the Chilkat River, the subsistence fishing permit holder shall be physically present at the net while it is fishing.

(xii) Subsistence salmon fishing permits for the fishery provided for Salt Lake and Mitchell Bay will be issued only to those persons domiciled in Angoon and only one permit will be issued for a household. The number of coho salmon that may be taken on a permit will be specified by the Alaska Department of Fish and Game after it has assessed the level of effort that will be involved in that fishery.

(xiii) When issuing a herring spawn on kelp subsistence fishing permit, ADF&G may specify on the permit the times and locations for harvesting and the species of kelp that may be taken. The annual possession limit for herring spawn on kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons. ADF&G will, in its discretion, issue an additional permit for herring spawn on kelp above the annual possession limit if harvestable surpluses of herring spawn on kelp are available.

(xiv) Before July 4, subsistence salmon fishing permits may be operated in Sitkoh Bay only by residents of Angoon. On and after July 4, subsistence salmon fishing permits may be operated in Sitkoh Bay by residents of both Angoon and Sitka.

(xv) The Alaska Department of Fish and Game shall not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any steelhead trout taken in this manner on his or her permit calendar.

(xvi) Salmon, trout, or char taken incidentally by gear operated under the

terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(xvii) Subsistence fishermen shall immediately remove the dorsal fin of all salmon when taken.

(xviii) In the waters of the Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, no person may subsistence salmon fish from a vessel that is powered by a motor of greater than 35 horsepower.

(xix) no person may possess subsistence-taken and sport-taken salmon on the same day.

§ _____ .25 [Reserved]

§ _____ .26 Subsistence shellfish.

(a) Regulations in this section apply to subsistence fishing on public lands for dungeness crab, king crab, tanner crab, shrimp, clams, abalone and other types of shellfish or their parts. The descriptions of legal types of gear and definitions in § _____ .24(c) are applicable to the regulations of this section (derived from 5AAC 02.001).

(b) Shellfish may be taken for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of this section and § _____ .24 (derived from 5 AAC 0.2.005).

(c) Methods, means, and general restrictions. (1) The bag limit specified herein for a subsistence season for a species and the state bag limit set for a state general season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional shellfish of that species under any other bag limit specified for a State general season.

(2) Unless otherwise provided in this section, the following are legal types of gear for subsistence fishing (derived from 5 AAC 02.010):

(i) Gear specified in § _____ .24(c);

(ii) Jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and which are drawn through the water by hand;

(iii) A spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(iv) A lead which is a length of net employed for guiding fish into a seine or a length of net or fending employed for guiding fish into a fishwheel, fyke net, or dip net;

(3) It is prohibited to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified in this section.

(4) The use of explosives and chemicals is prohibited except that chemical baits or lures may be used to attract shellfish.

(5) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Bearing Sea.

(6) Each subsistence fisherman shall plainly and legibly inscribe his/her first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent Alaska Department of Fish and Game vessel license number.

(7) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tied down straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

(8) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(9) In addition to the marking requirements in paragraph (c)(6) of this subsection, kegs or buoys attached to subsistence crab pots must also be inscribed with the name or U.S. Coast Guard number of the vessel used to operate the pots.

(10) No more than five pots per person and 10 pots per vessel may be used to take crab, except as specified in paragraph (f) of this section.

(11) In the subsistence taking of shrimp in the Southeastern Alaska-Yakutat and Prince William Sound Areas, no person may use more than 10 pots, and no more than 20 pots may be operated from a vessel. In the subsistence taking of shellfish other than shrimp in the Southeastern Alaska-Yakutat Area, no person may operate more than five pots of any type, and no more than 10 pots of any type may be operated from a vessel.

(d) *Subsistence Take by Commercial Vessels.* No fishing vessel which is

commercially licensed and registered for shrimp pot, shrimp trawl, king crab, tanner crab, or dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered (derived from 5 AAC 02.025).

(e) *Unlawful possession of Subsistence Shellfish.* No person may possess, transport, give, receive or barter subsistence taken shellfish or their parts that the person knows or should know were taken in violation of a Federal or State statute or a regulation promulgated thereunder (derived from 5 AAC 02.030).

(f) *Descriptions of Subsistence Shellfish Areas and Pertinent Restrictions.*—(1) Southeastern Alaska-Yakutat Area. (i) The Southeastern Alaska-Yakutat area has as its western boundary the longitude of Cape Suckling (143° 53' West longitude), its southern boundary the International Boundary at Dixon Entrance, and its seaward boundary the 400-fathom (732 m) depth contour.

(A) District 1: All waters east and north of a line from the southernmost tip of Caamano Point to 54°40' N. lat., 131°45' W. long., and north of a line from 54°40' N. lat., 131°45' W. long., 54°42'29" N. lat., 130°36'55" W. long.

(1) Section 1-A: All waters of Portland Canal north of the latitude of Hattie Island light;

(2) Section 1-B: All waters south of Section 1-A and east and south of a line extending three miles bearing 297° from the range marker located at Foggy Point (54°55'32" N. lat., 130°58'30" W. long.) and then south to intersect a line between Barren Island Light and Lord Rock Light, then to Lord Rock Light, and then to the southern boundary of district 1;

(3) Section 1-C: Waters of the district between a line from a point at 55°11'47" N. lat., 131°05'08" W. long., located on Point Sykes to a point at 55°12'13" N. lat., 131°05'42" W. long., located one-half mile northwest of Point Sykes to Point Alava, and a line from Point Eva to Cactus Point;

(4) Section 1-D: Waters of the district between a line from Point Eva to Cactus Point and a line from Nose Point to Snail Point;

(5) Section 1-E: Waters of the district between a line from Caamano Point to Point Higgins and a line from Nose Point to Snail Point;

(6) Section 1-F: All other waters of the District.

(B) District 2: All waters south of a line from the easternmost tip of Narrow Point to the northernmost tip of

Lemesusier Point, west of District 1 and east of a line from Point Marsh Light to 54°40' N. lat., 132°17'30" W. long.

(C) District 3: All waters north of a line from Point Marsh Light to 54°40' N. lat., 132°17'30" W. long. to the southernmost tip of Cape Muzon and east of a line from the northernmost tip of Eagle Point on Dall Island and passing successively through the southernmost tip of Point Arboleda, the northernmost tip of Point San Roque, the southernmost tip of Cape Ulitka, the northeasternmost tip of Cape Lynch to the southwest entrance point of Halibut Harbor on Kosciusko Island, and south of the latitude of Anesket Point (56°08'50" N. lat.);

(1) Section 3-A: Waters of the district south 55°15' N. lat., excluding waters of Meares Passage;

(2) Section 3-B: Waters of the district south of the latitude of Cape Lynch (55°47' N. lat.) and north of 55°15' N. lat., including all waters of Meares Passage;

(3) Section 3-C: Waters of the district north of the latitude of Cape Lynch (55°47' N. lat.);

(D) District 4: All waters north of Cape Muzon, west of District 3, and south of a line from Helm Point on Coronation Island to Cape Lynch.

(E) District 5: Waters of Sumner Strait, north and east of a line from Cape Decision of Helm Point to Cape Lynch to the southwest entrance point of Halibut Harbor, and north of the latitude of Anesket Point, west of a line from Point Baker to Point Barrie, and south of a line from Point Camden to Salt Point Light in Keku Strait.

(F) District 6: All waters of Clarence Strait north of a line from Narrow Point to Lemesuriere Point to Ernest Point to the most southerly point on Etolin Island. Stikine Strait south of the latitude of Round Point, Sumner Strait west of a line from Point Alexander to Low Point, and east of a line from Point Baker to Point Barrie, Wrangell Narrows south and west of a line from Prolewy Point to the northern tip of Mitkof Island, and all waters of Duncan Canal;

(1) Section 6-A: Waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barrie to the tip of Point Baker;

(2) Section 6-B: Waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock Light to Key Reef Light to Nesbitt Reef Light to the tip of Point Nesbitt.

(3) Section 6-C: Waters enclosed by a line from Lincoln Rock Light to the

westernmost point of Screen Islands to the westernmost point of Marsh Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef Light to Key Reef Light to Lincoln Rock Light;

(4) Section 6-D: All other waters of the district.

(G) District 7: All contiguous waters of Ernest Sound and Bradfield Canal east of a line from Lemesurier Point to Ernest Point to the most southerly point of Etolin Island, Zimovia Strait south of the latitude of Nemo Point, and Eastern Passage and Blake Channel south of a line from Babbler Point to Hour Point;

(1) Section 7-A: Waters of the district north of the latitude of Point Eaton;

(2) Section 7-B: Waters of the district south of the latitude of Point Eaton;

(H) District 8: Waters of Frederick Sound south of a line from Wood Point to Beacon Point (excluding Wrangell Narrows), Stikine Strait, Sumner Strait, Zimovia Strait and Eastern Passage inside a line from Point Alexander to Low Point to Round Point to Nemo Point to Hour Point to Babbler Point;

(1) Section 8-A: Waters of the district north of a line from Blaquiere Point to Kakwan Point.

(2) Section 8-B: Waters of the district south of a line from Blaquiere Point to Kakwan Point.

(I) District 9: All waters of Frederick Sound and Chatham Strait south of the latitude of the southernmost tip of Point Gardner, south of the latitude of the southernmost tip of Elliott Island and west of a line from the southernmost tip of Elliott Island to the westernmost tip of Point Macartney, north and west of a line from the northernmost tip of Point Camden to Salt Point Light, north and east of a line from the southernmost tip of Cape Decision to the southernmost tip of Helm Point to the westernmost tip of Hazy Islands to Cape Ommaney Light;

(1) Section 9-A: Waters of the district west of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(2) Section 9-B: Waters of the district east of a line from Nation Point on Coronation Island to the latitude of Point Gardner two miles west of Point Gardner.

(J) District 10: Frederick Sound, Stephens Passage and contiguous waters north of a line from Beacon Point to Wood Point, east of a line from Point Macartney to the southern tip of Elliott Island, north of the latitude of the southern tip of Elliott Island, Seymour Canal south of 57°37' N. lat., and south of a line from Point League to Point

(K) District 11: Stephens Passage and contiguous waters north of a line from Point League to Point Hugh and Seymour Canal north of 57°37' N. lat., south of the latitude of Little Island Light, and east of a line from Little Island Light to Point Retreat Light;

(1) Section 11-A: Waters of the district north and west of a line from a point at 58°12'20" N. lat., 134°10' W. long., to the Coast Guard marker and Light on Point Arden;

(2) Section 11-B: Waters of the district north of the latitude of Midway Island Light and south and east of a line from a point at 58°12'20" N. lat., 134°10' W. long., to the Coast Guard marker and light on Point Arden.

(3) Section 11-C: Waters of the District south of the latitude of Midway Island Light to a line from Point League to Point Hugh;

(4) Section 11-D: All waters of Seymour Canal north of 57°37' N. lat.

(L) District 12: All waters of Lynn Canal and Chatham Strait south of the latitude of Little Island Light to the latitude of Point Gardner, west of a line from Little Island Light to Point Retreat Light, east of a line from Point Couverdon to Point Augusta, and east of a line from Point Hayes to Point Thatcher.

(1) Section 12-A: All waters of Chatham Strait south of the latitude of Point Couverdon (58°11'25" N. lat.) to the latitude of Point Gardner (57°01' N. lat.), east of a line from the southeasternmost tip of Point Hayes to the northernmost tip of Point Thatcher;

(2) Section 12-B: All waters of Lynn Canal south of the latitude of Little Island Light, west of a line from Little Island Light to Point Retreat Light and north of the latitude of Point Couverdon (58°11'25" N. lat.).

(M) District 13: All waters north of the latitude of the southernmost tip of Helm Point and west of a line from the southernmost tip of Helm Point to the westernmost tip of Hazy Island to Cape Ommaney Light, south of a line projecting west from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point, and west of a line from the southernmost tip of Point Hayes to the northernmost tip of Point Thatcher.

(1) Section 13-A: All waters north of 57°16' N. lat. and those waters of Peril Strait south of the latitude of Pogibshi Point (57°30'30" N. lat.);

(2) Section 13-B: All waters south of 57°16' N. lat.;

(3) Section 13-C: Waters of the district north of the latitude of Pogibshi Point

and west of a line from Point Hayes to Point Thatcher in Peril Strait.

(N) District 14: All waters of Icy Strait west of a line from the southernmost tip of Point Couverdon to Point Augusta Light, east of a straight line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island and north of a line from the northernmost point of Soapstone Point to the westernmost point of Column Point;

(1) District 14-A: Waters of the district west of a line beginning at 58°13' N. lat., 135°57' W. long. to Lemesurier Island to Point Carolus;

(2) Section 14-B: Waters of the district east of a line beginning 58°13' N. lat., 135°57' W. long. to Lemesurier Island to Point Carolus and west of a line from Point Sophia to Excursion Point at 58°22'30" N. lat., 135°29' W. long.;

(3) Section 14-C: Waters of the district east of a line from Point Sophia to Excursion Point at 58°22'30" N. lat., 135°29' W. long.

(O) District 15: All waters of Lynn Canal north of the latitude of Little Island Light;

(1) Section 15-A: All waters of the district north of the latitude of Sherman Rock Light;

(2) Section 15-B: Waters of Berners Bay east of a line from Point St. Mary to Point Bridget;

(3) Section 15-C: All waters of the district south of the latitude of Sherman Rock Light, except for the waters of Section 15-B.

(P) District 16: All waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

(Q) Dixon Entrance District: All waters east of 138°45'20" W. long., south of the southern boundaries of Districts 1, 2, 3 and 4 and north of a line from 54°43'30" N. lat., 130°37'37" W. long., to 54°43'24" N. lat., 130°37'39" W. long., to 54°43'15" N. lat., 130°37'44" W. long., to 54°43'00" N. lat., 130°37'55" W. long., to 54°42'58" N. lat., 130°37'57" W. long., to 54°42'47" N. lat., 130°38'06" W. long., to 54°42'22" N. lat., 130°38'26" W. long., to 54°41'09" N. lat., 130°38'58" W. long., to 54°39'54" N. lat., 130°38'58" W. long., to 54°39'14" N. lat., 130°39'18" W. long., to 54°39'48" N. lat., 130°41'35" W. long., to 54°40'03" N. lat., 130°42'22" W. long., to 54°40'42" N. lat., 130°44'43" W. long., to 54°40'41" N. lat., 130°44'59" W. long., to 54°40'46" N. lat., 130°45'51" W. long., to 54°41'06" N. lat., 130°48'31" W. long., to 54°41'05" N. lat., 130°49'17" W. long., to 54°41'21" N. lat., 130°53'18" W. long., to 54°41'26" N. lat., 130°53'39" W. long., to

54°42'27" N. lat., 130°56'18" W. long., to 54°42'34" N. lat., 130°57'09" W. long., to 54°43'00" N. lat., 130°57'41" W. long., to 54°43'46" N. lat., 130°58'55" W. long., to 54°44'12" N. lat., 130°59'44" W. long., to 54°45'39" N. lat., 131°03'06" W. long., to 54°46'16" N. lat., 131°04'43" W. long., to 54°42'11" N. lat., 131°13'00" W. long., to 54°40'52" N. lat., 131°13'54" W. long., to 54°39'09" N. lat., 131°16'17" W. long., to 54°36'52" N. lat., 131°19'22" W. long., to 54°29'53" N. lat., 131°33'48" W. long., to 54°30'32" N. lat., 131°38'01" W. long., to 54°28'18" N. lat., 131°45'20" W. long., to 54°26'41" N. lat., 131°49'28" W. long., to 54°21'51" N. lat., 132°02'54" W. long., to 54°24'52" N. lat., 132°23'39" W. long., to 54°24'41" N. lat., 132°24'29" W. long., to 54°24'41" N. lat., 132°24'35" W. long., to 54°24'39" N. lat., 132°26'51" W. long., to 54°24'34" N. lat., 132°38'16" W. long., to 54°24'54" N. lat., 132°39'46" W. long., to 54°26'00" N. lat., 132°44'12" W. long., to 54°27'07" N. lat., 132°49'35" W. long., to 54°27'07" N. lat., 132°50'42" W. long., to 54°28'25" N. lat., 132°55'54" W. long., to 54°28'32" N. lat., 132°56'28" W. long., to 54°30'03" N. lat., 133°07'00" W. long., to 54°30'10" N. lat., 133°07'43" W. long., to 54°30'42" N. lat., 133°11'28" W. long., to 54°31'02" N. lat., 133°14'00" W. long., to 54°30'06" N. lat., 133°16'58" W. long., to 54°22'01" N. lat., 133°44'24" W. long., to 54°20'33" N. lat., 133°49'21" W. long., to 54°15'40" N. lat., 134°19'49" W. long., to 54°12'57" N. lat., 134°23'47" W. long., to 54°12'45" N. lat., 134°25'03" W. long., to 54°07'30" N. lat., 134°56'24" W. long., to 54°00'01" N. lat., 135°45'57" W. long., to 53°28'27" N. lat., 138°45'20" W. long.

(R) Yakutat District: All waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and the longitude of Icy Cape (141°42' W. long.).

(S) Yakutat District: All waters of Alaska between the longitude of Icy Cape (141°42' long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

(ii) Shellfish may be taken for subsistence purposes only as provided in this subsection.

(A) Yakutat: Only those residents domiciled east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island may take shellfish in waters of Yakutat Bay, including Russell Fiord, within a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.

(B) Klukwan: Only those residents domiciled west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River may take shellfish, except king and tanner crab, in waters of Section 15-A.

(C) Haines: Only those residents domiciled in the City and Borough of Haines, excluding residents domiciled in the village of Klukwan and in the drainages of Excursion Inlet, may take shellfish, except shrimp, king crab, and tanner crab, in waters of section 15-A.

(D) Hoonah: Only those residents domiciled in the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia may take shellfish, except shrimp, king crab, and tanner crab, in waters of District 14 east of the longitude of Point Dundas.

(E) Angoon: Only those residents domiciled in the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' West longitude, including Killisnoo Island, may take shellfish, except shrimp, king crab, and tanner crab, in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in section 13-C east of the longitude of Point Elizabeth.

(F) Kake: Only those residents domiciled in the City of Kake and in Kupreanof Island drainages into Keku Strait south of Point White and north of the Portage Bay boat harbor may take shellfish, except shrimp, king crab, and tanner crab, in waters of section 9-B north of the latitude of Point Ellis, in waters of District 10 west of a line from Penta Point to Point Pybus, and in waters of District 5 north of 56°40' North latitude.

(G) Saxman: Only those residents domiciled in the City of Saxman may take shellfish, except shrimp, king crab, and tanner crab, in waters of section 1-F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quandra, and in waters of section 1-E south of the latitude Grand Island light.

(H) Kasaan: Only those residents domiciled in the City of Kasaan and in the drainages of the southeastern shore of the Kasaan Peninsula west of 132°20' West longitude and east of 132°25' West longitude may take shellfish, except shrimp, king crab, and tanner crab, in District 2 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.

(I) Klawock: Only those residents domiciled in the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation as they existed in January 1989 may take shellfish, except shrimp,

king crab, and tanner crab, in waters of section 3-B.

(J) Craig: Only those residents domiciled in the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation as they existed in January 1989 may take shellfish, except shrimp, king crab, and tanner crab, in waters of section 3-B.

(K) Hydaburg: Only those residents domiciled in the townsite of Hydaburg may take shellfish, except shrimp, king crab, and tanner crab, in waters of section 3-B south of the latitude of Bocas Point, excluding Port Refugio.

(iii) No commercially licensed and registered shrimp fishing vessel may be used to take shrimp for subsistence purposes in Districts 6, 7, 8 and 10 from February 15 through April 30.

(iv) In the subsistence taking of dungeness crab.

(A) The daily bag and possession limit is 20 crab person except that, in waters of Thorne Bay west of the longitude of the southernmost tip of Thorne Head, the daily bag and possession limit is five crab;

(B) Only make crab six and one-half inches or greater in shoulder width may be taken or possessed;

(C) Spears and gaffs may not be used in Districts 1 through 15;

(D) Live holding facilities used to accumulate or pool multiple bag limits by an individual or individuals are not allowed.

(v) In the subsistence taking of king crab.

(A) In the Southeastern Alaska Area the daily bag and possession limit is six crab per person and only male crab may be taken;

(B) In that portion of the Southeastern Alaska-Yakutat Area east of the longitude of Cape Spencer (136°39' 30 seconds West longitude)

(1) Red and blue king crab may not be taken from April 1 through June 30;

(2) Only make red and brown king crab seven inches and male blue king crab six and one-half inches or larger in width of shell may be taken or possessed;

(C) In the Yakutat Area the daily bag and possession limit is two crab per person and only male crab may be taken;

(D) An operator of a commercially licensed and registered king crab fishing vessel shall obtain a permit from the Alaska Department of Fish and Game before taking king crab for subsistence purposes in waters of Yakutat Bay enclosed by a line from the westernmost tip of Ocean Cape to the easternmost tip of Point Manby during the open commercial king crab fishing season; the Alaska Department of Fish and Game

may set out requirements in the permit for the conservation of the king crab resource and to ensure compliance with other applicable fishing laws and regulations.

(vi) In the subsistence taking of tanner crab the possession limit is 30 crab per person per day.

(vii) In the subsistence taking of geoducks the bag limit is six geoducks per person per day.

(viii) In the subsistence taking of abalone

(A) The possession limit is 50 abalone per person.

(B) The minimum allowed size is three inches (76 mm) in greatest diameter of shell, except in district 13 the minimum legal size is three and one-half inches (89 mm) in greatest diameter of shell;

(C) Subsistence fishing is prohibited while engaged in commercial abalone fishing; prior to engaging in the subsistence fishery, commercial abalone fishermen must return the commercial permit to the Alaska Department of Fish and Game and land the commercial catch in possession.

(2) *Prince William Sound Area.* The Prince William Sound Area has as its western boundary the longitude of Cape Fairfield (148°50' West longitude), its eastern boundary the longitude of Cape Suckling (143°53' West longitude) and its seaward boundary the 400-fathom (732 m) depth contour.

(i) In the subsistence taking of shrimp in addition to marking requirements otherwise specified, each key or buoy must also be plainly and legibly inscribed with the vessel name or U.S. Coast Guard number of the vessel used to operate the pot.

(ii) In the subsistence taking of dungeness crab

(A) The daily bag and possession limit is 20 crab per person;

(B) The minimum legal size is six and one-half inches (165 mm) in shoulder width;

(C) Only male crab may be taken.

(iii) In the subsistence taking of tanner crab.

(A) The daily bag and possession limit is 20 male crab per person;

(B) Only male tanner crab 5.3 inches or greater in width of shell may be taken or possessed.

(iv) In the subsistence taking of king crab

(A) The daily bag and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) The minimum legal size is 5.9 inches in width of shell for blue king crab and seven inches in width of shell for red and brown king crab.

(v) In waters east of 146° West longitude and south of a line from the southernmost tip of point Bentinck, to the southernmost tip of Point Whittshed

(A) Razor clams may be taken only under the authority of a subsistence razor clam fishing permit;

(B) Only razor clams four and one-half inches or longer in length of shell may be taken or possessed.

(3) *Cook Inlet Area.* (i) The Cook Inlet Area has as its eastern boundary the longitude of Cape Fairfield (148°50' West longitude) and its southern boundary the latitude of Cape Douglas (58°52' North latitude).

(ii) Northern District: North of a line extending from Boulder Point at 60°46'23" N. lat., to Shell Platform C, then to a point on the west shore at 60°46'23" N. lat.

(A) Eastern Subdistrict: All waters south of the latitude of Point Possession, north of the latitude of Boulder Point, and east of a line from Shell Platform C to a point at 61°02'40" N. Lat., 150°40' W. long.;

(B) General Subdistrict: All waters of the Northern District not specified above.

(iii) Central District: All waters between a line extending from Boulder Point at 60°46'23" N. lat., to Shell Platform C, to a point on the west shore at 60°46'23" N. lat., and the latitude of Anchor Point Light (59°46'12" N. lat.)

(A) Kustatan Subdistrict: All waters within a line from the Drift River terminal to the South Kalgin Island Light at 60° 20' 48" N. lat., 152° 04' 30" W. long., northerly along the west side of Kalgin Island to Northwest Point at 60° 31' 15" N. lat., 155° 55' 45" W. long., bearing 43° to Shell Platform C, to a point on the west shore at 60° 46' 23" N. lat., excluding the waters of the Kalgin Island Subdistrict;

(B) Upper Subdistrict: All waters within a line from Boulder Point to shell Platform C, then bearing 223° to Northwest Point at 60° 31' 15" N. lat., 151° 55' 45" W. long., then following the eastern shore of Kalgin Island to the South Kalgin Island Light at 60° 20' 48" N. lat., 152° 09' 42" W. long., then bearing 142° to the Ninilchik small boat harbor, excluding the waters of the Kalgin Island Subdistrict;

(C) Kalgin Island Subdistrict: All waters within a line encompassing Kalgin Island within one mile of mean lower low water as delineated by the most recent U.S. Coast and Geodetic Survey chart number 8553;

(D) Lower Subdistrict: Waters between a line extending from Ninilchik small boat harbor, then bearing 136° to the South Kalgin Light at 60° 20' 48" N. lat., 152° 09' 42" W. long., then bearing 236° to a point one nautical mile from the bluff on the northwestern shore of Chisik Island at 60° 10' 30" N. lat., 152° 35' W. long., then in a southerly direction one nautical mile seaward of the mean high water line to a point at the southern end of the silver salmon set-net area at 59° 58' 5" N. lat., then bearing 270° to the shore, and the latitude of the Anchor Point Light, excluding the waters of the Chinta Bay and the Kalgin Islands Subdistricts;

(E) Western Subdistrict: Waters within a line from the Drift River terminal to the South Kalgin Light at 60° 20' 48" N. lat., 152° 09' 42" W. long., then bearing 236° to a point one nautical mile from the bluff on the northeast shore of Chisik Island at 60° 10' 30" N. lat., 152° 35' W. long., then in a southerly direction one nautical mile seaward of the mean high water line to a point at the southern end of the silver salmon set-net area at 59° 58' 05" N. lat., then bearing 270° to the shore, excluding the waters of the Kalgin Island Subdistrict;

(F) Chinitna Bay Subdistrict: All waters in Chinitna Bay west of a line from Spring Point to Sea Otter Point.

(iv) Southern District: All waters enclosed by a line from the westernmost tip of Anchor Point west to 59° 46' 15" N. lat., 162° 20' W. long., then south to 59° 03' 25" N. lat., 152° 20' W. long., then in a northeasterly direction to the tip of Cape Elizabeth, then from the tip of Cape Elizabeth to the tip of Point Adam;

(A) Port Graham Subdistrict: All waters east of the longitude of Point Bede and south of the latitude of Point Pogibshi;

(B) Seldovia Bay Subdistrict: All waters south of a line from Point Naskowhak to Seldovia Point;

(C) Barbara Creek Subdistrict: All waters between the longitudes of Seldovia Point and Nubble Point and south of 59° 30' N. lat.;

(D) Tutka Bay Subdistrict: All waters east of the longitude of Nubble Point and south of the latitude of Anisom Point on the eastern shore of Eldred Passage at 59° 32' 06" N. lat., 141° 27' 55" W. long., including Kasitsna Bay;

(E) Humpy Creek Subdistrict: All waters east of a line from an Alaska Department of Fish and Game marker on Glacier Spit at 59° 38' N. lat., 151° 12' 31" W. long., to the Northshore Subdistrict line at 59° 38' 15" N. lat., 151° 18' 45" W. long., and southeast of a line from that point on the Northshore Subdistrict line at 59° 38' 15" N. lat., 151°

18° 45' W. long., to a point north of Chugachik Island at 59° 45' N. lat., 151° 02' 36" W. long., to a point on the mainland at 59° 44' 30" N. lat., 151° 02' 06" W. long.

(F) Northshore Subdistrict: All waters north of a line from Coal Point to a point north of Chugachik Island at 59° 45' N. lat., 151° 02' 36" W. long., then northwesterly to a marker one-half statute mile southwest of the terminus of Swift Creek;

(G) China Poot Subdistrict: All waters south of a line from Peterson Point at 59° 35' 48" N. lat., 151° 16' 24" W. long., to Coal Point on the tip of the Homer Spit at 59° 36' 06" N. lat., 151° 24' 30" W. long., to 59° 32' 06" N. lat., 151° 33' 05" W. long. to Anisom Point.

(H) Halibut Cove Subdistrict: All waters within a line from a marker on Glacier spit at 59° 38' N. lat., 151° 12' 30" W. long. to the intersection of the Northshore Subdistrict line at 59° 38' 15" N. lat., 151° 18' 45" W. long., to Coal Point to Peterson Point.

(v) Kamishak Bay District: All water enclosed by a line from 59° 46' 15" N. lat., 153° 30' W. long., then east to 59° 46' 15" N. lat., 152° 20' W. long., then south to 59° 03' 25" N. lat., 152° 20' W. long., then southwesterly to Cape Douglas (58° 52' N. lat.).

(A) Iniskin Bay Subdistrict: All waters north of a line from a point on the east shore of Iniskin Bay near Scott Island at 59° 38' 35" N. lat., 153° 25' 30" W. long., to a point north of South Head at 59° 37' 20" N. lat., 153° 33' 30" W. long.;

(B) Cottonwood Bay Subdistrict: All waters west of a line from South Head north to a point at 59° 37' 20" N. lat., 153° 33' 30" W. long.;

(C) Ursus Cove Subdistrict: All waters west of the longitude of Ursus Head and north of 59° 28' 05" N. lat.;

(D) Rocky Cove Subdistrict: All waters between 59° 28' 05" N. lat., and 50° 25' N. lat., and west of 153° 40' W. long.;

(E) Bruin Bay Subdistrict: All waters between 59° 25' N. lat., and 59° 20' N. lat., and west of 153° 40' W. long.;

(F) Kamishak River Subdistrict: All waters east of a line from McNeil Head at 59° 07' 24" N. lat., 154° 10' 24" W. long. to the mushroom islet at 59° 07' 45" N. lat., 154° 09' 30" W. long. to the northern tip of Nordyke Island at 59° 11' N. lat., 154° 05' W. long., south of the latitude of the northern tip of Nordyke Island, and west of 153° 50' W. long.;

(G) McNeil River Subdistrict: All waters southwest of a line from McNeil Head to a point of land at 59° 09' 30" N. lat., 154° 12' 45" W. long.;

(H) Chenik Subdistrict: All waters between 59° 20' N. lat., and the latitude of the northern tip of Nordyke Island at

59° 11' N. lat., 154° 05' W. long., and west of 153° 40' W. long.;

(I) Paint River Subdistrict: All waters south of the latitude of the northern tip of Nordyke Island at 59° 11' N. lat., 154° 05' W. long., west of a line from the northern tip of Nordyke Island to the mushroom islet at 59° 07' 45" N. lat., 154° 09' 30" W. long. to McNeil Head and east of a line from McNeil Head to a point of land at 59° 09' 30" N. lat., 154° 12' 45" W. long.;

(J) Douglas River Subdistrict: All waters west of the longitude of Cape Douglas (153° 10' 30" W. long.), south of the latitude of the northern tip of Nordyke Island at 59° 11' N. lat., 154° 05' W. long., and east of 153° 50' W. long.;

(vi) Barren Island District: All waters enclosed by a line from Cape Douglas (58° 2' N. lat.) to the tip of Cape Elizabeth, then south to 58° 52' N. lat., 151° 53' W. long., then west to Cape Douglas.

(vii) Outer District: All waters enclosed by a line from the tip of Point Adam to the tip of Cape Elizabeth, then south to 58° 52' N. lat., 151° 53' W. long., then east to the longitude of Aligo Point (149° 44' 33" W. long.), then north to the tip of Aligo Point.

(A) Koyuktolik Subdistrict: All waters east of the longitude of Point Adam and north of 59° 13' 55" N. lat.;

(B) Port Chatham Subdistrict: All waters north of 59° 10' N. lat., and east of 151° 50' W. long.;

(C) Windy Bay Subdistrict: All waters west of a line from 59° 12' 33" N. lat., 151° 27' 30" W. long., to 59° 14' 08" N. lat., 151° 26' 24" W. long.;

(D) Rocky Bay Subdistrict: All waters north of a line from 59° 14' 08" N. lat., 151° 26' 24" W. long., to 59° 12' 24" N. lat., 151° 19' 15" W. long.; Scurvey Creek Section: all waters northwest of a line from 59° 34' 30" N. lat., 151° 26' 24" W. long. to a point on the southwest corner of Picnic Harbor at 59° 15' 05" N. lat., 151° 25' W. long.;

(E) Port Dick Subdistrict: All waters of Port Dick north of 59° 13' 12" N. lat.;

(1) Port Dick North Section: All waters of the northern shore of West Arm bounded by a line from the market at 59° 18' 40" N. lat., 151° 16' 50" W. long., south to a point 300 yards offshore then southeasterly to 59° 16' 50" N. lat., 151° 05' 55" W. long. then north to the waterfall at 59° 16' 40" N. lat.;

(2) Port Dick South Section: Waters of the subdistrict not included in the Port Dick North Section.

(F) Nuka Island Subdistrict: All waters of Nuka Passage north of a line from Front Point to Nuka Point and south of the latitude of Hardover Point;

(G) East Nuka Subdistrict: All waters of the East Arm of Huka Bay north of the latitude of Harrington Point.

(viii) Eastern District: All waters east of the longitude of Aligo Point (149° 44' 33" W. long.), west of the longitude of Cape Fairfield (148° 50' W. long.), and north of 58° 52' N. lat.

(A) Aialik Bay Subdistrict: All waters north of a line from Aligo Point to Aialik Cape;

(B) Resurrection Bay Subdistrict: All waters north of the latitude of Caines Head (59° 59' N. lat.)

(ix) Except as otherwise in this section, no person may take shellfish for subsistence purposes.

(x) Clams may be taken in the Port Graham Subdistrict only by persons domiciled in the villages of Port Graham and English Bay.

(xi) Clams may be taken on the western beaches of Cook Inlet from the terminus of the Drift River to the terminus of the Crescent River only by persons domiciled in the village of Tyonek.

(xii) No person may take dungeness crab or king crab.

(4) Kodiak Area. (i) The Kodiak Area has as its northern boundary the latitude of Cape Douglas (58° 52' North latitude), its western boundary the longitude of Cape Kumlik (157° 27' West longitude), its eastern boundary the longitude of Cape Fairfield (148° 50' West longitude), and its seaward boundary the 300-fathom (549 m) depth contour.

(ii) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(v) In the subsistence taking of king crab

(A) The daily bag and possession limit is six crab per person and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall

have all bait and bait containers removed and all doors secured fully open;

(C) No more than five crab pots may be used to take king crab;

(D) King crab may be taken only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or tanner crab in the location.

(vi) In the subsistence taking of tanner crab

(A) No more than five crab pots may be used to take tanner crab;

(B) From July 15 through February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial tanner crab fishing season is open in the location.

(C) The daily bag and possession limit is 12 crab per person and only male crab may be taken.

(vii) Only those residents domiciled in the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base, may take king crab in the Kodiak Area. This restriction does not apply to the Semidi Island, the North Mainland, and the South Mainland Sections, as described below:

(A) Semidi Island Section: all waters west of the longitude of Cape Kilokak (156° 19' West longitude) and east of the longitude of Cape Kumlik (157° 27' West longitude);

(B) North Mainland Section: all waters north of 58° North latitude and west of a line from 58° 52' North latitude, 152° 45' West longitude to 58° North latitude, 154° West longitude.

(C) South Mainland Section: all waters south of 58° North latitude, west of a line from 58° North latitude, 154° West longitude to 57° 15' North latitude, 155° 30' West longitude to 56° 45' North latitude, 156° 19' West longitude, and east of the longitude of Cape Kilokak (156° 19' West longitude.)

(5) *Alaska Peninsula-Aleutian Islands Area.* (i) The area includes Pacific Ocean waters west of the longitude of Cape Kumlik (157° 27' West longitude), east of 172° East longitude and shoreward of the 800-fathom (1463 m) depth contour, and Bering Sea waters east of 172° East longitude and south of 54° 36' North latitude.

(ii) Shellfish may be taken for subsistence purposes only under the

authority of a subsistence shellfish fishing permit.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(v) In the subsistence taking of king crab

(A) The daily bag and possession limit is six crab per person and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) Crab may be taken only from June 1 through January 31.

(vi) The daily bag and possession limit is 12 tanner crab per person. Only male crab may be taken.

(6) *Bering Sea Area.* (i) The area includes the waters of the Bering Sea and Chukchi Sea north of 54° 36' North latitude, east of a line from 54° 36' North latitude, 171° 23' East longitude, to 65° 32' North latitude, 168° 55' West longitude to 68° 21' North latitude, 168° 55' West longitude (the U.S.-Russia Convention Line of 1867) and south of the latitude of Point Hope (68° 21' North latitude).

(A) Pribilof District: Waters of the Bering Sea area south of the latitude of Cape Newenham (58° 39' North latitude).

(B) Northern District: Waters of the Bering Sea area north of the latitude of Cape Newenham (58° 39' North latitude).

(2) Norton Sound Section: Waters east of 168° West longitude, north of the latitude of Cape Romanzof (61° 49' North latitude), and south of the latitude of Cape Prince of Wales (65° 36' North latitude);

(2) Saint Matthew Island Section: Waters north of the latitude of Cape Newenham (58° 39' North latitude) and south of the latitude of Cape Romanzof (61° 49' North latitude);

(C) Saint Lawrence Island Section: All remaining waters of the district.

(ii) In waters south of 60° North latitude, shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net.

(iv) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(v) In waters south of 60° North latitude, the daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(vi) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, the daily bag and possession limit is six crab per person, and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) In the Norton Sound Section of the Northern District, a subsistence fishing permit is required and may be obtained from a local representative of the Alaska Department of Fish and Game;

(D) In waters south of 60° North latitude, crab may be taken only June 1 through January 31.

(vii) In waters south of 60° North latitude, the daily bag and possession limit is 12 tanner crab, and only males may be taken.

Dated: June 25, 1990.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

Dated: June 25, 1990.

F. Dale Robertson,

Chief, USDA—Forest Service.

[FR Doc. 90-15264 Filed 6-28-90; 8:45 am]

BILLING CODE 3410-11-M; 4310-55-M