

IN THE SUPREME COURT FOR THE STATE OF ALASKA
ORDER NO. 1256

Revision of Administrative Rule 43.2,
Fish and Game Bail Forfeiture
Schedule.

IT IS ORDERED:

1. Administrative Rule 43.2 is revised as follows:

Administrative Rule 43.2. Fish and Game Bail Forfeiture Schedule.

Pursuant to AS 16.05.165(b), the following fish and game offenses are appropriate for disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

<u>Statute or Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
AS 16.05.330(a)	Sport fishing without license in possession	\$100
AS 16.05.330(a)	Hunting without license in possession	125
AS 16.05.340(a)(17)(A)	Taking waterfowl without state duck stamp	75
AS 16.05.340(a)(23)&(24)	King Salmon Tag Required	50
AS 16.05.420	False statement on license application	200
AS 16.05.480(a)	Crewmember fishing license required	150
AS 16.05.490(a)	Vessel license required	200
AS 16.05.520(a)	Vessel number plate	100
AS 16.05.680(1)	Employ unlicensed crew	200
5 AAC 01.010(h)	Identification of subsistence finfish fishing gear	100
<u>5 AAC 01.010(i)</u>	<u>Escape mechanism requirements for subsistence fishing gear</u>	<u>100</u>
<u>5 AAC 01.240(c)</u>	<u>Marking of subsistence taken king salmon (lower Yukon River)</u>	<u>100</u>
<u>5 AAC 05.334(a)</u>	<u>ID requirements for commercial salmon drift gillnets (Yukon River)</u>	<u>200</u>
<u>5 AAC 05.334(b)</u>	<u>ID requirements for commercial salmon stationary gear (Yukon River)</u>	<u>200</u>

<u>5 AAC 07.334(a)</u>	<u>ID requirements for commercial salmon drift gillnets (Kuskokwim River)</u>	<u>200</u>
<u>5 AAC 07.334(b)</u>	<u>ID requirements for commercial salmon stationary gear (Kuskokwim River)</u>	<u>200</u>
5 AAC 47.022(84)	Single hook required/snagging prohibited (Thomas Basin-Ketchikan)	100
5 AAC 52.024(b)	Failure to record king salmon landing (Upper Copper River and Upper Susitna River area)	100
5 AAC 56.010(b)	Taking red salmon in closed season (Russian River)	100 plus 20 per fish
5 AAC 56.010(c)(1-6)	Taking king salmon 16" or more in closed season (Kenai Peninsula)	150 per fish
5 AAC 56.010(d-f)	Taking rainbow trout in closed season (Russian River/Kenai River area)	100 plus 20 per fish
5 AAC 56.015(a)	Rainbow/steelhead trout harvest record required (freshwaters of the Kenai Peninsula)	100
5 AAC 56.015(b)	Failure to record rainbow/steelhead trout landing (freshwaters of the Kenai Peninsula)	100
5 AAC 56.017(a)	King Salmon harvest record required (freshwaters of the Kenai Peninsula)	100
5 AAC 56.017(b)	Failure to record king salmon landing (freshwaters of the Kenai Peninsula)	100
<u>5 AAC 56.020(c)</u>	<u>Fishing from a boat where prohibited after taking a king salmon (Kenai River)</u>	<u>100</u>
5 AAC 56.035(c)(1-2), (j), (l), (m)	Using other than unbaited, single-hook, artificial lures in specified waters (Kenai Peninsula)	100
<u>5 AAC 56.035(f)</u>	<u>Fishing from a boat where prohibited (Kenai River)</u>	<u>100</u>
<u>5 AAC 56.035(g)</u>	<u>Fishing from a boat on Monday where prohibited (Kenai River)</u>	<u>100</u>
5 AAC 58.017(a)	King salmon harvest record required (Cook Inlet-Resurrection Bay saltwater area)	100

5 AAC 58.017(b)	Failure to record king salmon landing (Cook Inlet-Resurrection Bay saltwater area)	100
<u>5 AAC 58.020(c)(1)</u>	<u>Over limit of razor clams</u> <u>(Southern terminus of Kenai River to the southern most tip of the Homer Spit)</u>	<u>50 plus</u> <u>2 per clam</u>
<u>5 AAC 58.035(b)</u>	<u>Snagging or attempting to snag where prohibited</u> <u>(Cook Inlet north of a line extending west from Anchor Point)</u>	<u>125</u>
5 AAC 58.035(e)	Snagging or attempt to snag when prohibited (saltwater of the Homer Spit, fishery enhancement lagoon)	<u>125</u> [100]
5 AAC 61.010(f) (1 - 5)	Taking king salmon 16" or more in closed season	150 per fish
5 AAC 61.010(h)	Sport fishing during closed hours (Susitna-West Cook Inlet area)	100 plus 150 per king salmon and 20 per other salmon species
5 AAC 61.015(a)	Rainbow/steelhead trout harvest record required (Susitna-West Cook Inlet area)	100
5 AAC 61.015(b)	Failure to record rainbow/steelhead trout landing (Susitna-West Cook Inlet area)	100
5 AAC 61.017(a)	King salmon harvest record required (Susitna-West Cook Inlet area)	100
5 AAC 61.017(b)	Failure to record king salmon landing (Susitna-West Cook Inlet area)	100
5 AAC 61.035(c)	Using other than unbaited, single-hook, artificial lures in specified waters	100
5 AAC 61.035(d - e)	Using other than unbaited, artificial lures in specified waters	100
5 AAC 61.035(i)	Use of bait where prohibited (Susitna - West Cook Inlet area)	100
5 AAC 75.020	Sport fishing with more than one line	100

5 AAC 75.021	More than 2 lines, hooks, or lures while ice fishing	50
5 AAC 75.022(a)(1)	Using fixed or weighted hook - freshwater	100
5 AAC 75.022(a)(2)	Multiple hook with gap larger than 1/2" - freshwater	50
5 AAC 75.022(a)(4)	Unauthorized use of spear - sport fishing	100
5 AAC 75.022(a)(5)	Unauthorized use of arrow - sport fishing	100
5 AAC 75.022(c)	Attempt to snag - freshwater	<u>125</u> [100]
5 AAC 75.022(c)	Fail to release - freshwater	<u>125</u> [100]
5 AAC 75.023(a)&(b)	Illegal gear in single-hook waters	50
<u>5 AAC 75.035(1)</u>	<u>ID requirements for shellfish sport fishing gear</u>	<u>100</u>
<u>5 AAC 75.035(2)</u>	<u>Escape mechanism requirements for shellfish sport fishing gear</u>	<u>100</u>
5 AAC 75.050(a)&(b)	Sport fishing in closed waters	100 plus 20 per fish
5 AAC 77.010(a)	Sport fish license required for personal use fishing	100
5 AAC 77.010(f)	Marking of personal use fish	75
5 AAC 92.010	Harvest ticket not in possession; fail to validate	100
5 AAC 92.012(a)	Taking waterfowl without federal duck stamp	75
5 AAC 92.012(a)	Unsigned federal duck stamp	25
5 AAC 92.018	Unsigned state duck stamp	25
5 AAC 92.050(a)(7)	Failure to cancel permit after killing big game	75
5 AAC 92.050(a)(8)	Failure to submit permit hunt report	75
<u>5 AAC 92.062(d)</u>	<u>False information on application for Tier II permit</u>	<u>200</u>
5 AAC 92.080(1)	Unlawfully taking game by shooting from, on or across highway	<u>300</u> [200]
5 AAC 92.100(a)(1-6)	Taking migratory birds by illegal methods	100

5 AAC 92.100(b)	Transportation of migratory bird without fully feathered wing or head attached	50
5 AAC 92.100(c)	Taking migratory birds before or after legal shooting hours	50 plus \$2/minute
5 AAC 92.150(a)	Possess mountain sheep without both horns	100
5 AAC 92.150(b)	No evidence of sex attached	100
5 AAC 92.165	Fail to seal bear or possess unsealed bear skin or skull	100
5 AAC 92.170	Fail to seal wolf, wolverine, lynx	100
5 AAC 92.200(d)	Fail to submit required report	75
5 AAC 92.230	Feeding game	50
5 AAC 92.410(b)	Fail to submit required report (This does not include failure to salvage.)	75
5 AAC 93.060(except (f))	Failure To Pay Fee (Little Susitna Public Use Facility) (This does not include commercial violations under subparagraph (f).)	50
5 AAC 95.515(4)(A)	Refuse and waste (Little Susitna Public Use Facility)	100
5 AAC 95.515(4)(D)	Pets (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(E)	Assembly (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(F)	Fires (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(H)	Limit on number of persons/ vehicles (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(I)	Camping in designated areas (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(J)	Unattended campsite/vehicle (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(K)	Camping over 15 days or authorized limit (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(L)	Unauthorized concessions (Little Susitna Public Use Facility)	100

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5 AAC 95.515(4)(M)	Traffic violations (Little Susitna Public Use Facility)	50
5 AAC 95.515(4)(N)	Violation of campground rules (Little Susitna Public Use Facility)	50

2. Administrative Rule 43.2 is also revised to add the following offense:

<u>Statute or Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
5 AAC 77.010(d)	ID requirements for personal use fishing gear	\$100

This revision takes effect on the effective date of an amendment to 5 AAC 77.010(d) that corrects the typographical error in the second sentence of the regulation so that the public has clear notice of the conduct required by that sentence. The second sentence currently reads: "A keg or buoy attached to a pot must also be inscribed with the name of the U.S. Coast Guard number of the vessel used to operate the pot."

3. Administrative Rule 43.2 is also revised to add the following offense:

<u>Statute or Regulation</u>	<u>Description of Offense</u>	<u>Bail</u>
5 AAC 77.518(2)(A)	Over limit of razor clams (From the terminus of the Kenai River to southernmost tip of Homer Spit)	50 plus 2 per clam

This revision takes effect on the effective date of an amendment to 5 AAC 77.518(2)(A) that corrects the typographical error in the regulation so that the public has clear notice of the conduct prohibited by the regulation. As currently written, the regulation first states that there are no bag limits in the area described, and then goes on to state a bag limit.

DATED: August 22, 1996
EFFECTIVE DATE: September 15, 1996

Chief Justice Compton

Justice Rabinowitz

Justice Matthews

Justice Eastaugh

Justice Fabe