

Submitted by the Alaska Department of Fish and Game

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SELECTED AREA PACIFIC COD MANAGEMENT PLANS AND OTHER ASSOCIATED REGULATIONS

State-Waters Pacific Cod Management Plans and General Provisions

5 AAC 28.081. State-Waters Pacific Cod Management Plans. (a) This section applies to the management plans for Pacific cod as set out for the Prince William Sound Area (5 AAC 28.267), Cook Inlet Area (5 AAC 28.367), Kodiak Area (5 AAC 28.467), Chignik Area (5 AAC 28.537), and the South Alaska Peninsula Area (5 AAC 28.577), and the Bering Sea–Aleutian Islands Area (5 AAC 28.647).

(b) Annual guideline harvest levels set out in these management plans depend on the Pacific cod stock assessments conducted by the National Marine Fisheries Service (NMFS).

(c) As used in this chapter, the term

(1) "estimated total allowable harvest" means the annual catch established by the North Pacific Fishery Management Council (NPFMC) for Gulf of Alaska and Bering Sea–Aleutian Islands Pacific cod stocks, including the harvest of Pacific cod in a state-waters season defined in this subsection;

(2) "federal season" means a Pacific cod fishing season set by the NPFMC and implemented in the federal waters by the NMFS;

(3) "parallel season" means a Pacific cod fishing season in state waters established by the commissioner, under emergency order authority, to correspond with the times, and unless otherwise specified, the gear of the federal season in adjacent federal waters;

(4) "state-waters season" mean a Pacific cod fishing season in the waters of Alaska that occurs under a guideline harvest level;

(5) "federal Eastern Gulf of Alaska" means the Eastern Gulf of Alaska regulatory area as defined for the federal waters by the NPFMC;

(6) "federal Central Gulf of Alaska" means the Central Gulf of Alaska regulatory area as defined for the federal waters by the NPFMC;

(7) "federal Western Gulf of Alaska" means the Western Gulf of Alaska regulatory area as defined for the federal waters by the NPFMC;

(8) "federal Bering Sea–Aleutian Islands" means the Bering Sea–Aleutian Islands regulatory area as defined for the federal waters by the NPFMC;

(9) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;

(10) "working day" means a day other than Saturday, Sunday, or a state holiday.

(d) A guideline harvest level specified within an area management plan for Pacific cod in this chapter will be considered to have been reached in any calendar year if the total harvest is within 10 percent of the guideline harvest level.

5 AAC 28.086. Parallel groundfish fishery emergency order authority. (a) In addition to the provisions of this chapter and the reporting requirements specified in 5 AAC 39.130, and notwithstanding any contrary provisions of this chapter, the commissioner may open and close, by emergency order, a parallel groundfish fishery during which area closures, gear and vessel size restrictions, and bycatch control measures may be imposed as the commissioner determines are reasonably necessary to correspond with federal groundfish fishery management measures in adjacent federal waters.

(b) For the purposes of this section, "parallel groundfish fishery" means a groundfish fishery in state waters opened by the commissioner, by emergency order, to correspond with a federal groundfish fishery in adjacent federal waters.

5 AAC 28.087. Management measures in parallel groundfish fisheries for protection of Steller sea lions. (a) Notwithstanding the provisions of this chapter, in managing the parallel groundfish fisheries, the commissioner may open and close, by emergency order, fishing seasons during which area closures, gear restrictions, vessel size limits, reporting, monitoring, and enforcement requirements may be imposed to match federal fishery management measures for the protection of Steller sea lions.

(b) Notwithstanding (a) of this section, during a parallel season for Pacific cod

(1) in the Kodiak Area, the waters within three nautical miles of the Steller sea lion haul out at Cape Barnabas (57° 10.20' N. lat., 152° 53.05' W. long.) shall be open to pot and mechanical jigging machine gear;

(2) in the South Alaska Peninsula Area, the waters within three nautical miles of the Steller sea lion haul out at Caton Island (54° 22.70' N. lat., 162° 21.30' W. long.) shall be open to pot and mechanical jigging machine gear; and

(3) in the Bering Sea–Aleutian Islands Area, the state waters between 175° W. long. and 178° W. long. shall be open to fishing with trawl, pot, mechanical jigging machine, and hand troll gear by vessels that are no more than 60 feet in overall length, and to fishing with longline gear by vessels that are no more than 58 feet in overall length, of which the Steller sea lion protection measures found in Table 5 to 50 C.F.R. 679, (69 Federal Register 75865, December 20, 2004) apply, except that all waters within three nautical miles of the Steller sea lion site at Kanaga Island/Ship Rock at 51° 46.70' N. lat., 177° 20.72' W. long. are closed to the

taking of Pacific cod; for the purposes of this paragraph, "overall length" means the straight line length between extremities of the vessel, excluding anchor rollers.

(c) In state waters west of 144° W. long., a vessel participating in a parallel groundfish fishery must have on board the vessel an activated vessel monitoring system (VMS) approved by the National Marine Fisheries Service. A vessel using only mechanical jigging machines, hand troll gear, or dinglebar troll gear is not required to have a VMS on board the vessel.

(d) For the purposes of this section, "parallel groundfish fisheries" means the Pacific cod, walleye pollock, and Atka mackerel fisheries in state waters opened by the commissioner, under emergency order authority, to correspond with the times, area, and unless otherwise specified, the gear of the federal season in adjacent federal waters.

Prince William Sound Area

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan. (a) The management plan in this section governs the harvest of Pacific cod in the Prince William Sound Area.

(b) Each year the commissioner

(1) shall open and close, by emergency order, a parallel season for mechanical jigging machine and hand troll gear, groundfish pot gear, and longline gear in the Prince William Sound Area to coincide with the initial federal season in the federal Central Gulf of Alaska Area, as follows:

(A) the parallel season for mechanical jigging machine and hand troll gear will coincide with the initial federal season for jig gear;

(B) the parallel season for groundfish pot gear will coincide with the initial federal season for pot gear;

(C) the parallel season for longline gear will coincide with the initial federal season for hook and line gear operated from vessels less than 50 feet in overall length;

(2) may open and close, by emergency order, a parallel season for mechanical jigging machine and hand troll gear, groundfish pot gear, and longline gear in the Prince William Sound Area to coincide with the federal Central Gulf of Alaska Area "B" season, as follows:

(A) the parallel season for mechanical jigging machine and hand troll gear will coincide with the federal "B" season for jig gear;

(B) the parallel season for groundfish pot gear will coincide with the federal "B" season for pot gear;

(C) the parallel season for longline gear will coincide with the federal "B" season for hook and line gear operated from vessels less than 50 feet in overall length.

(c) The commissioner shall open and close, by emergency order, a state-waters season for mechanical jigging machine and hand troll gear, groundfish pot gear, and longline gear in the Prince William Sound Area, as follows:

(1) for mechanical jigging machines and hand troll gear, the state-waters season will open 24 hours following the closure of the initial federal season in the Central Gulf of Alaska Area for jig gear and will close when the guideline harvest level is reached, a parallel season for mechanical jigging machine and hand troll gear is opened under (b)(2) of this section, or December 31, whichever occurs first;

(2) for groundfish pot gear, the state-waters season will open 24 hours following the closure of the initial federal season in the Central Gulf of Alaska Area for groundfish pot gear and will close when 90 percent of the guideline harvest level is reached, a parallel season for groundfish pot gear is opened under (b)(2) of this section, or December 31, whichever occurs first;

(3) for longline gear, the state-waters season will open seven days following the closure of the initial federal season in the Central Gulf of Alaska Area for hook and line gear operated from vessels less than 50 feet in overall length or concurrent with the individual fishing quota halibut season opening date, whichever occurs later, and will close when 85 percent of the guideline harvest level is reached, a parallel season for longline gear is opened under (b)(2) of this section, or December 31, whichever occurs first;

(4) if there is any guideline harvest level remaining on September 1, the commissioner may close, by emergency order, the state-waters season and immediately reopen a state-waters season to all legal gear on September 1 or following a parallel season closure; the state-waters season will close on December 31 or when the guideline harvest level is reached, whichever occurs first; if the season is closed and immediately reopened under this paragraph, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements specified in 5 AAC 28.371 until the season is closed again.

(d) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this section if the commissioner determines it is necessary to

(1) adapt to unanticipated openings or closures of the federal season;

(2) maintain sustained yield management;

(3) provide for orderly fisheries; or

(4) allow for a concurrent state-waters season and federal season for Pacific cod based on inseason assessment of effort, harvest rate, or remaining Pacific cod quota.

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Prince William Sound Area is 25 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area;

(2) Pacific cod may be taken in the waters of the Prince William Sound Area described in 5 AAC 28.205, except those waters of the Eastern Section east of 146° 15.12' W. long.;

(3) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, hand troll gear, and longline gear, as follows:

(A) except as provided in (g) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

(B) no more than five mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with mechanical jigging machines and hand troll gear (jig gear), pot gear, or longline gear, and may not simultaneously be registered to fish with more than one gear type; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Cordova, or other locations specified by the department, for validation, and that registration has been validated by the department.

(f) The Prince William Sound Area is an exclusive registration area for Pacific cod during a state-waters season.

(g) If at any time after October 30 the commissioner determines that the guideline harvest level will not be reached by December 31, the commissioner may close, by emergency order, the state-waters season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest to achieve the guideline harvest level:

(1) removal of the limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel;

(2) if needed, designation of the Prince William Sound Area as a nonexclusive registration area for Pacific cod.

(h) If the state-waters season is closed and immediately reopened under (g) of this section, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.271 until the season is closed again.

(i) Notwithstanding the provisions of 5 AAC 28.070, the commissioner may, by emergency order, open a fishing season under this subsection in which the bycatch amounts allowed during a directed fishery are increased. During a fishing season opened under this subsection, in addition to the allowance of bycatch of other species specified in 5 AAC 28.070, the bycatch allowance of Pacific cod may be up to 20 percent of the directed finfish species on board a vessel using groundfish pot gear, mechanical jigging machine and hand troll gear, or longline gear. The landed weight of Pacific cod taken as bycatch may not exceed 20 percent of the directed finfish species on board the vessel. The commissioner may, by emergency order, close and immediately reopen a season in which the bycatch limit for any species is reduced.

(j) If a state-waters season and a federal season for Pacific cod are opened concurrently for the same gear type or for a different gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the Prince William Sound Area must be invalidated and all groundfish on board that vessel must be landed before that vessel may participate in any other concurrent Pacific cod season;

(3) registration for a state-waters season may only occur in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at the department office in Cordova, or other locations specified by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may be registered for a Prince William Sound Area state-waters season for Pacific cod.

Cook Inlet Area

5 AAC 28.330. Lawful gear for Cook Inlet Area.

(h) Pacific cod may be taken only by groundfish pots, mechanical jigging machines, and hand troll gear during a state-waters season, as specified in 5 AAC 28.367.

5 AAC 28.367. Cook Inlet Pacific Cod Management Plan. (a) The management plan in this section governs the harvest of Pacific cod in the Cook Inlet Area.

(b) Each year the commissioner

(1) shall open and close, by emergency order, a parallel season in the Cook Inlet Area to coincide with the initial federal season in the federal Central Gulf of Alaska Area during which the use of the gear allowed in the federal season for Pacific cod is permitted, unless use of that gear is prohibited under 5 AAC 28.050, 5 AAC 28.330, or 5 AAC 28.350;

(2) may open and close, by emergency order, a parallel season to coincide with the federal Central Gulf of Alaska Area "B" season, during which the use of the gear allowed in

the federal season for Pacific cod is permitted, unless use of that gear is prohibited under 5 AAC 28.050, 5 AAC 28.330, or 5 AAC 28.350.

(c) The commissioner shall open, by emergency order, a state-waters season for mechanical jigging machine and hand troll gear and groundfish pot gear in the Cook Inlet Area 24 hours following the closure of the initial federal season in the federal Central Gulf of Alaska Area for jig gear and pot gear and shall close or reopen, by emergency order, the state-waters season, as follows:

(1) close the state-waters season for mechanical jigging machine and hand troll gear when 15 percent of the guideline harvest level is taken by mechanical jigging machine and hand troll gear, a parallel season for mechanical jigging machine and hand troll gear is opened under (b)(2) of this section, or December 31, whichever occurs first; if 90 percent of the mechanical jigging machine and hand troll gear allocation is reached in any calendar year, the allocation to that gear will increase by five percent beginning the following calendar year to a maximum of 25 percent;

(2) close the state-waters season for pot gear when a maximum of 85 percent of the guideline harvest level, or the percentage of the guideline harvest level as adjusted by any change in the mechanical jigging machine and hand troll gear allocation as specified in (1) of this subsection, is taken by pot gear, a parallel season for pot gear is opened under (b)(2) of this section, or December 31, whichever occurs first;

(3) if there is any guideline harvest level remaining on September 1, the commissioner may close, by emergency order, the state-waters season and immediately reopen a state-waters season to all legal gear on September 1, or following the closure of a parallel season; the state-waters season will close on December 31 or when the guideline harvest level is reached, whichever occurs first; if the season is closed and immediately reopened under this paragraph, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.371 until the season is closed again;

(4) close the state-waters season for vessels longer than 58 feet in overall length fishing with pot gear when 25 percent of the guideline harvest level has been taken by those vessels, unless the state-waters season for pot gear has already been closed for the remainder of the season under (2) of this subsection; this restriction does not apply if the season for pot gear is still open under (3) of this subsection.

(d) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this management plan if the commissioner determines it is necessary to

- (1) adapt to unanticipated openings and closures of the federal season;
- (2) maintain sustained yield management;
- (3) provide for orderly fisheries; or

(4) allow for a concurrent state-waters season and federal season for Pacific cod based on inseason assessment of effort, harvest rate, or remaining Pacific cod quota.

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Cook Inlet Area is 3.75 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

(2) Pacific cod may be taken only with groundfish pot gear, mechanical jigging machines, and hand troll gear, as follows:

(A) except as provided in (g) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

(B) no more than five mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with groundfish pot gear or with mechanical jigging machine and hand troll gear (jig gear), and may not simultaneously be registered to fish with more than one gear type; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Homer, or other locations specified by the department, for validation, and that registration has been validated by the department.

(f) The Cook Inlet Area is an exclusive registration area for Pacific cod during a state-waters season.

(g) If at any time after October 30 the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate to achieve the guideline harvest level:

(1) removal of the limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel;

(2) if needed, designation of the Cook Inlet Area as a nonexclusive registration area for Pacific cod.

(h) If the season is closed and immediately reopened under (g) of this section, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.371 until the season is closed again.

(i) If a state-waters season and a federal season for Pacific cod are opened concurrently for the same gear type or for a different gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the Cook Inlet Area must be invalidated and all groundfish on board that vessel must be landed before that vessel may participate in any other concurrent Pacific cod season;

(3) registration for a state-waters season may only occur in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at the department office in Homer, or other locations specified by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may be registered for a Cook Inlet Area state-waters season for Pacific cod.

Kodiak Area

5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. (a) The management plan in this section governs the harvest of Pacific cod in the Kodiak Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel season in the Kodiak Area during which use of the gear allowed in the federal season for Pacific cod in the Central Gulf of Alaska Area is permitted, unless that gear is prohibited under 5 AAC 28.050, 5 AAC 28.430, or 5 AAC 28.450.

(c) Each year the commissioner shall open and close, by emergency order, a state-waters season in the Kodiak Area for mechanical jigging machine and hand troll gear and for pot gear, as follows:

(1) when a state-waters season for Pacific cod is opened for mechanical jigging machine and hand troll gear or pot gear, the parallel season for the applicable gear type is closed; the fishing season for mechanical jigging machine and hand troll gear or pot gear will close when the applicable gear type takes 50 percent of the annual Kodiak Area guideline harvest level;

(2) the fishing season for vessels longer than 58 feet in overall length fishing with pot gear will close when 25 percent of the guideline harvest level has been taken by those vessels or December 31, whichever occurs first, unless the pot gear season has already been closed because pot gear has already taken 50 percent of the Kodiak Area guideline harvest level; the restrictions under this paragraph do not apply to a season reopened under (f) of this section.

(d) The seasons for mechanical jigging machine and hand troll gear are as follows:

(1) the state-waters season shall open 48 hours after the federal Central Gulf of Alaska jig gear "A" season closes; if the federal Central Gulf of Alaska jig gear "A" season has

not closed by March 15, the commissioner shall close the parallel season for jig gear and may open, by emergency order, the state-waters season on or after March 15, based on inseason assessment of effort, harvest rate, or remaining federal Pacific cod quota;

(2) the state-waters mechanical jigging machine and hand troll gear season shall close when the mechanical jigging machine and hand troll gear allocation is taken; if the state-waters season mechanical jigging machine and hand troll gear allocation has not been taken by June 8, the commissioner shall close, by emergency order, the state-waters season on June 8 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(3) the parallel season that coincides with the federal Central Gulf of Alaska jig gear "B" season shall open June 10 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(4) the state-waters season shall reopen 48 hours after the closure of the federal Central Gulf of Alaska jig gear "B" season if the mechanical jigging machine and hand troll gear allocation has not been taken.

(e) The seasons for pot gear are as follows:

(1) the state-waters season shall open seven days following the closure of the federal Central Gulf of Alaska pot gear "A" season;

(2) the state-waters season shall close when the pot gear allocation is taken or August 28, whichever occurs first;

(3) the parallel season that coincides with the federal Central Gulf of Alaska pot gear "B" season shall open on September 1.

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal Central Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first. If the season is closed and immediately reopened under this subsection, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.471 until the season is closed again.

(g) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this management plan if the commissioner determines it is necessary to

(1) adapt to unanticipated openings and closures of the federal season;

(2) maintain sustained yield management; or

(3) provide for orderly fisheries.

(h) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Kodiak Area is 12.5 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear, as follows:

(A) except as provided in (j) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

(B) no more than five mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machine and hand troll gear (jig gear), and may not simultaneously be registered to fish with more than one gear type; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Kodiak, or other locations specified by the department, for validation, and that registration has been validated by the department;

(D) during the seven days following the opening of the state-waters season, an operator of a vessel registered to fish for Pacific cod may store or transport groundfish pots in excess of the pot limit established in (A) of this paragraph if the pots are

(i) stored in waters not more than 25 fathoms deep as described in 5 AAC 28.432(a); or

(ii) being transported on board the vessel and are not marked with identification tags.

(i) The Kodiak Area is an exclusive registration area for Pacific cod during a state-waters season.

(j) If at any time after September 1 the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

(1) removal of the limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel;

(2) after October 30, if needed, designation of the Kodiak Area as a nonexclusive registration area for Pacific cod.

(k) If the season is closed and immediately reopened under (j) of this section, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.471 until the season is closed again.

(l) If a state-waters season and federal season for Pacific cod are opened concurrently for the same gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the Kodiak Area must be invalidated before that vessel may participate in any other Pacific cod season;

(3) registration for a state-waters season may only occur in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at a department office designated by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may have the vessel's registration invalidated or be registered for a state-waters season for Pacific cod in the Kodiak Area.

(m) If a state-waters season and federal season for Pacific cod are open concurrently for different gear types, a vessel may not participate in a state-waters season and any other Pacific cod season at the same time.

Chignik Area

5 AAC 28.506. Chignik Area registration. (a) The Chignik Area is a superexclusive registration area for Pacific cod during a state-waters season described in 5 AAC 28.537.

5 AAC 28.537. Chignik Area Pacific Cod Management Plan. (a) The management plan in this section governs the harvest of Pacific cod in the Chignik Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel season in the Chignik Area corresponding to the federal Central Gulf of Alaska Area and the federal Western Gulf of Alaska Area, during which use of the gear allowed in the federal seasons for Pacific cod is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.530. A person may not operate a vessel in a parallel season for Pacific cod that is more than 58 feet in overall length.

(c) Each year the commissioner shall open and close, by emergency order, a state-waters season in the Chignik Area for mechanical jigging machine and hand troll gear and for pot gear. For purposes of this section, when a state-waters season for Pacific cod is opened to mechanical jigging machine and hand troll gear or pot gear, the parallel season for the applicable gear type is closed. During a state-waters season,

(1) mechanical jigging machine and hand troll gear is allocated 10 percent of the annual Chignik Area guideline harvest level; and

(2) pot gear is allocated 90 percent of the annual Chignik Area guideline harvest level.

(d) The seasons for mechanical jigging machine and hand troll gear are as follows:

(1) the state-waters season shall open on March 15;

(2) the state-waters season for mechanical jigging machine and hand troll gear shall close when the mechanical jigging machine and hand troll gear allocation is taken; if the allocation is not taken by June 8, the commissioner shall close the state-waters season for mechanical jigging machine and hand troll gear on June 8 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(3) the parallel season that coincides with the federal Central Gulf of Alaska jig gear "B" season shall open on June 10 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(4) the state-waters season shall reopen 48 hours after the closure of the federal Central Gulf of Alaska jig gear "B" season if the mechanical jigging machine and hand troll gear allocation has not been taken.

(e) The seasons for pot gear are as follows:

(1) the parallel season for pot gear shall close when the federal Central Gulf of Alaska pot gear "A" season is closed; the state-waters season shall open March 7 or seven days after the closure of the parallel season for pot gear, whichever is later;

(2) the state-waters season for pot gear shall close when the pot gear allocation is taken; if the allocation to the state-waters season for pot gear is not taken by August 28, the commissioner shall close the state-waters season for pot gear on August 28;

(3) the parallel season that coincides with the federal Central Gulf of Alaska pot gear "B" season shall open on September 1.

(f) If the state-waters season guideline harvest level has not been taken by the conclusion of the federal Central Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the

season on December 31 or when the guideline harvest level has been achieved, whichever occurs first; if the season is closed and immediately reopened under this subsection, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.541 until the season is closed again.

(g) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this section if the commissioner determines it is necessary to

- (1) adapt to unanticipated openings and closures of the federal season;
- (2) maintain sustained yield management; or
- (3) provide for orderly fisheries.

(h) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Chignik Area is 8.75 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear, as follows:

(A) except as provided in (j) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

(B) no more than five mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may not simultaneously be registered to fish with more than one gear type; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Kodiak, or other locations specified by the department, for validation, and that registration has been validated by the department;

(D) a vessel registered to take Pacific cod may not be longer than 58 feet in overall length;

(E) during the seven days following the opening of the state-waters season, an operator of a vessel registered to fish for Pacific cod may store or transport groundfish pots in excess of the pot limit established in (A) of this paragraph if the pots are

(i) stored in waters not more than 25 fathoms deep as described in 5 AAC 28.532(a); or

(ii) being transported on board the vessel and are not marked with identification tags.

(i) The Chignik Area is a superexclusive registration area for Pacific cod during a state-waters season.

(j) If at any time after October 30 the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

(1) removal of the limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel;

(2) if needed, allow a vessel of any size to register and fish for Pacific cod in the Chignik Area.

(k) If the season is closed and immediately reopened under (j) of this section, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.541 until the season is closed again.

(l) If the allocation for mechanical jigging machines and hand troll gear specified in (c) of this section is harvested in any calendar year, the allocation will be increased an additional five percent of the guideline harvest level beginning the next calendar year, and the pot gear allocation will be reduced by five percent accordingly. If the increased allocation for mechanical jigging machines and hand troll gear is harvested in any calendar year thereafter, the allocation will again be increased an additional five percent beginning the next calendar year, until the allocation for mechanical jigging machines and hand troll gear reaches 25 percent of the guideline harvest level.

(m) If a state-waters and federal Pacific cod season are open concurrently for the same gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the Chignik Area must be invalidated before that vessel may participate in any other Pacific cod season;

(3) registration for a state-waters season may occur only in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at a department office designated by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may have the vessel's registration invalidated or be registered for state-waters season for Pacific cod in the Chignik Area.

(n) If a state-waters season and federal season for Pacific cod are open concurrently for a different gear type, a vessel may not participate in a state-waters season and any other Pacific cod season at the same time.

South Alaska Peninsula Area

5 AAC 28.550. Description of South Alaska Peninsula Area. The South Alaska Peninsula Area consists of all waters of Alaska in the Pacific Ocean between a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.) and 170° W. long., including those waters south of the latitude of Nichols Point (54° 51.30' N. lat.) near False Pass, and south of a line extending from Unimak Island (54° 23.74' N. lat., 164° 44.73' W. long.) to Akun Island (54° 11.71' N. lat., 165° 23.09' W. long.), and from Akun Island (54° 08.40' N. lat., 165° 38.29' W. long.) to Akutan Island (54° 07.69' N. lat., 165° 39.74' W. long.), and from Akutan Island (54° 02.69' N. lat., 166° 02.93' W. long.) to Unalaska Island (53° 58.97' N. lat., 166° 16.50' W. long.), and from Unalaska Island (53° 18.95' N. lat., 167° 51.06' W. long.) to Umnak Island (53° 23.13' N. lat., 167° 50.50' W. long.), and from Umnak Island (52° 49.24' N. lat., 169° 07.10' W. long.), to Chuginadak Island (52° 49.18' N. lat., 169° 40.47' W. long.)

5 AAC 28.556. South Alaska Peninsula Area registration. (a) The South Alaska Peninsula Area is an exclusive registration area for Pacific cod during a state waters season described in 5 AAC 28.577.

5 AAC 28.571. Groundfish pot storage requirements for South Alaska Peninsula Area. (a) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters not more than 25 fathoms deep.

(b) Following the closure of a parallel season or state-waters season for Pacific cod, all groundfish pot gear used by a vessel registered to fish Pacific cod must be removed from the water, except that

(1) rectangular groundfish pots may be stored as described in (a) of this section;
or

(2) rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters more than 25 fathoms deep for seven days following the closure; however, groundfish pots may be stored longer than seven days until the season is opened, if the season opening for the Pacific cod state-waters season is delayed as described in 5 AAC 28.577(l).

5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. (a) The management plan in this section governs the harvest of Pacific cod in the South Alaska Peninsula Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel season in the South Alaska Peninsula Area during which use of gear allowed in the federal season for Pacific cod in the Western Gulf of Alaska Area is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.570. A vessel participating in a parallel season for Pacific cod may not be more than 58 feet in overall length.

(c) Each year the commissioner shall open and close by emergency order, a state-waters season in the South Alaska Peninsula Area for mechanical jigging machine and hand troll gear and for pot gear. For the purposes of this section, when a state-waters season for Pacific cod is opened to mechanical jigging machine and hand troll gear or pot gear, the parallel season for the applicable gear type is closed. During a state-waters season,

(1) mechanical jigging machine and hand troll gear is allocated 15 percent of the annual South Alaska Peninsula Area guideline harvest level; and

(2) pot gear is allocated 85 percent of the annual South Alaska Peninsula Area guideline harvest level.

(d) The seasons for mechanical jigging machine and hand troll gear are as follows:

(1) the state-waters season shall open 48 hours after the closure of the federal Western Gulf of Alaska jig gear "A" season; if the federal "A" season has not closed by March 15, the commissioner may open the state-waters season based on inseason assessment of effort, harvest rate, or remaining federal Pacific cod quota;

(2) the state-waters season for mechanical jigging machine and hand troll gear shall close when the mechanical jigging machine and hand troll gear allocation is taken; if the allocation to the state-waters season for mechanical jigging machine and hand troll gear is not taken by June 8, the commissioner shall close the state-waters season for mechanical jigging machine and hand troll gear on June 8 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(3) the parallel season that coincides with the federal Western Gulf of Alaska jig gear "B" season shall open on June 10 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(4) the state-waters season shall reopen 48 hours after the closure of the federal Western Gulf of Alaska jig gear "B" season if the mechanical jigging machine and hand troll gear allocation has not been taken.

(e) The seasons for pot gear are as follows:

(1) the state-waters season shall open 12:00 noon on March 7 or seven days following the closure of the federal Western Gulf of Alaska pot gear "A" season, whichever is later;

(2) the state-waters season for pot gear shall close when the pot gear allocation is taken; if the allocation to the state-waters season for pot gear is not taken by August 28, the commissioner shall close the state-waters season for pot gear on August 28;

(3) the parallel season that coincides with the federal Western Gulf of Alaska pot gear "B" season shall open on September 1.

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal Western Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first. If the season is closed and immediately reopened under this subsection, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.581 until the season is closed again.

(g) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this section if the commissioner determines it is necessary to

(1) adapt to unanticipated openings and closures of the federal season;

(2) maintain sustained yield management; or

(3) provide for orderly fisheries.

(h) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 25 percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear, as follows:

(A) except as provided in (j) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

(B) no more than five mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may not simultaneously be registered to fish with more than one gear type;

a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Kodiak, or other locations specified by the department for validation, and that registration has been validated by the department;

(D) a vessel registered to take Pacific cod may not be longer than 58 feet in overall length;

(E) during the seven days immediately following the opening of the state-waters season, an operator of a vessel registered to fish for Pacific cod may store or transport groundfish pots in excess of the pot limit established in (A) of this paragraph if the pots are

(i) stored in waters not more than 25 fathoms deep as specified in 5 AAC 28.571(a); or

(ii) are being transported on board the vessel and are not marked with identification tags.

(i) The South Alaska Peninsula Area is an exclusive registration area for Pacific cod during a state-waters season.

(j) If at any time after October 30 the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

(1) removal of the limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel;

(2) if needed, designation of the South Alaska Peninsula Area as a nonexclusive registration area for Pacific cod;

(3) if needed, allow a vessel of any size to register and fish for Pacific cod in the South Alaska Peninsula Area.

(k) If the season is closed and immediately reopened under (j) of this section, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.581 until the season is closed again.

(l) The opening of the state-waters season will be delayed for 24 hours if the National Weather Service marine forecast issued at 4:00 a.m. on the scheduled opening date specified in (d)(1) and (e)(1) of this section for the current day and night plus the following day and night for the state waters between Castle Cape and Cape Sarichef contains gale force wind warnings of 35

knots or higher. If, after the initial weather delay, the following day's 4:00 a.m. National Weather Service marine forecast for the current day and night plus the following day and night contains gale warnings, the opening of the state-waters season will be delayed an additional 24 hours. The season opening delays may continue on a rolling 24-hour basis for seven days beyond the initial opening date, when the season will open regardless of any gale force wind forecast.

(m) In the state-waters season, a vessel owner or operator using pot gear must report, as specified in the registration form, to the local representative of the department by radio or telephone

(1) the number of pot lifts conducted from the vessel in the previous 24-hour reporting period;

(2) the pounds of Pacific cod retained on the vessel during the previous 24-hour period; and

(3) any other information that the commissioner determines is necessary for the management and conservation of the fishery.

(n) If a state-waters and federal Pacific cod season are open concurrently for the same gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the South Alaska Peninsula Area must be invalidated before that vessel may participate in any other Pacific cod season;

(3) registration for a state-waters season may occur only in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at a department office designated by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may have the vessel's registration invalidated or be registered for a state-waters season for Pacific cod in the South Alaska Peninsula Area.

(o) If a state-waters season and federal season for Pacific cod are open concurrently for a different gear type, a vessel may not participate in a state-waters season and any other Pacific cod season at the same time.

Bering Sea–Aleutian Islands Area

5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. (a) This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W. long.

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands District west of 170° W. long., except in the waters between 175° W. long. and 178° W. long., to coincide with the initial federal season in the Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050.

(c) The commissioner shall open, by emergency order, a state-waters season in the Aleutian Islands District as follows:

(1) the season in the waters between 175° W. long. and 178° W. long. shall open January 1;

(2) in the waters not specified in (1) of this subsection

(A) that are west of 170° W. long., the season shall open four days after the Bering Sea-Aleutian Islands parallel A season for the catcher-vessel trawl fishery is closed; or

(B) if the federal catcher-vessel trawl fishery has not closed by March 14, the commissioner will close, by emergency order, the parallel season for the catcher-vessel trawl fishery at 12:00 noon, March 14, and open by emergency order, the state-waters season at 12:00 noon, on March 15;

(3) the commissioner shall close, by emergency order, the state-waters season opened under (1) and (2) of this subsection when the guideline harvest level is taken or on December 31, whichever occurs first; except as otherwise specified in this chapter, all parallel Pacific cod seasons are closed during the state-waters season.

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea-Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state-waters 'A' season before June 10 as follows:

(i) if the state-waters 'A' season guideline harvest level has not been taken by April 1, when the federal catcher-vessel trawl fishery B season opens, the commissioner will close, by emergency order, the state-waters 'A' season in the waters specified in (c)(2) of this section and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state-waters 'A' season guideline harvest level is available after the federal catcher-vessel trawl fishery B season closes, and before June 10, the commissioner may reopen, by emergency order, the state-waters 'A' season in the waters specified in (c)(2) of this section;

(B) a total of 30 percent of the guideline harvest level plus any unharvested amount from the state-waters 'A' season under (1)(A) of this subsection, up to a maximum of 70 percent, will be rolled over on June 10 and available for harvest in the state-waters 'B' season; the guideline harvest level will be available as follows:

(i) if the state-waters 'B' season guideline harvest level has not been taken by September 1, when the federal catcher-vessel pot fishery B season for vessels over 60 feet in overall length opens, the commissioner will close, by emergency order, the state-waters 'B' season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state-waters 'B' season guideline harvest level is available after the federal catcher-vessel pot fishery B season for vessels over 60 feet in overall length closes, the commissioner may reopen, by emergency order the state-waters 'B' season;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, longline, non-pelagic trawl, and hand troll gear; groundfish pots may be longlined; each end of the groundfish pot longline must have a buoy attached and each buoy must be marked with the permanent ADF&G vessel plate number of the vessel operating the groundfish longlined pot gear and the letters "GFL" to designate the gear as longlined groundfish pot gear; the numbers and letters must be marked on the top one-half of the buoy in numbers and letters that are at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; the buoy markings must be visible on the buoy above the water surface when the buoy is attached to the longlined pot gear; for the purposes of this paragraph, "longlined" means more than one groundfish pot is attached to a stationary, buoyed, and anchored line;

(3) a vessel used to harvest Pacific cod during the

(A) state-waters 'A' season when the

(i) waters specified in (c)(1) of this section are open, with non-pelagic trawl, mechanical jigging machine, or pot gear, may not be more than 60 feet in overall length, except as specified in (ii) of this paragraph; a vessel using longline gear may not be more than 58 feet in overall length;

(ii) combined areas of (c)(1) and (2) are open, with non-pelagic trawl gear may not be more than 100 feet in overall length; a vessel using mechanical jigging machines and longline gear may not be more than 58 feet in

overall length; a vessel using pot gear may not be more than 125 feet in overall length;

(B) state-waters 'B' season, from

(i) June 10 through July 31, may not be more than 60 feet in overall length for any gear type;

(ii) August 1 through December 31, may not be more than 125 feet in overall length if operating pot gear and not more than 60 feet in overall length for all other allowable gear types;

(4) a vessel operator may be concurrently registered to harvest Pacific cod with mechanical jigging machines and longline gear, but may not be concurrently registered to harvest Pacific cod with any other gear types;

(5) a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration while unprocessed fish are on board the vessel;

(6) repealed 10/16/2011;

(7) a vessel may harvest up to 150,000 pounds of Pacific cod per day and may not have more than 150,000 pounds of unprocessed Pacific cod on board the vessel at any time; a vessel may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

(8) all Pacific cod taken must be retained; any overage of a limit specified in (7) of this subsection must be immediately reported to the department by the vessel operator; all proceeds from the sale of Pacific cod in excess of a limit specified in (7) of this subsection shall be immediately surrendered to the state.

(e) The Aleutian Islands District is a nonexclusive registration area for Pacific cod during a state-waters season.

(f) The commissioner may, by emergency order, impose bycatch limitations and retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent over harvest of bycatch species, or to facilitate consistency of the regulations in an area where state and federal jurisdictions overlap.

(g) During the state-waters season,

(1) all closure areas specified in the parallel season shall apply as specified by gear group in 50 C.F.R. 679, revised as of October 1, 2005, as modified by 71 Federal Register 36,694 - 36,714 (July 28, 2006); and

(2) all waters within three nautical miles of the Steller sea lion site on Kanaga Island/Ship Rock at 51° 46.70' N. lat., 177° 20.72' W. long. are closed to the taking of Pacific cod.

(h) For the purposes of this section,

(1) "state-waters 'A' season" means the state-waters season conducted from January 1 through June 9;

(2) "state-waters 'B' season" means the state-waters season conducted from June 10 through December 31.

(i) The board intends that a vessel operator generally harvest less than the vessel's allowable harvest limit, possess less than the vessel's allowable possession limit, and limit the vessel's fishing activities if there is a possibility of exceeding those limits. A vessel operator of a vessel harvesting more than an allowable harvest limit or that is in possession of more than the allowable possession limit is considered to have engaged in improper operation of gear. Nothing in this section is intended to preclude or discourage additional enforcement action under AS 16.05.722, AS 16.05.723, or any other applicable law for any violation of this section.