

Buck Laukitis

For Implementation in 2014

5 AAC 28.6xx Bering Sea District Pacific Cod Management Plan

(a) The management plan in this section governs the harvest of Pacific cod in the Bering Sea District Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel season in the Bering Sea District Area during which use of gear allowed in the federal season for Pacific cod in the Bering Sea District of Alaska is permitted, unless that gear is prohibited under 5 AAC xxx or 5 AAC xxx

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

(1) mechanical jigging machine is allocated 5 percent of the annual Bering Sea District Area guideline harvest level; and

(2) pot gear is allocated 95 percent of the annual Bering Sea District Area guideline harvest level.

(d) The seasons for mechanical jigging machines is as follows:

(1) the state-waters season shall open 48 hours after the closure of the federal BSAI 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 machines shall close when the mechanical jigging machine allocation is taken; if the allocation to the state-waters season for mechanical jigging machines 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 Bering Sea District 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 Bering Sea jig gear "B" season if the mechanical jigging machine 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 BSAI hook & line/pot cv < 60 ft LOA sector "A" season.

(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 XXXX, the commissioner shall close the state-waters season for pot gear on XXX;

(3) the parallel season that coincides with the federal BSAI hook and line/ pot cv < 60 ft LOA gear "B" season shall open on XXXX.

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal BSAI hook and line/ pot cv < 60 ft LOA 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 XXXX 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 Bering Sea District is 5 percent of the federal BSAI cod ABC (estimated allowable biological catch).

(2) Pacific cod may be taken only with groundfish pots and mechanical jigging machines 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 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 60 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

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

(i) The Bering Sea District is an exclusive registration area for Pacific cod during a state-waters season for pot gear.

(j) The Bering Sea District is a non-exclusive registration area for Pacific cod during a state-waters season for jig gear.

(k) 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 Bering Sea District 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 Bering Sea District Area.

(L)(*) 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.

(M) (1) 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 Bering Sea District 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 Bering Sea District 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.