

Submitted by Alaska Department of Fish and Game
on behalf of board member Karl Johnstone.

October 19, 2013.

Bering Sea State-waters Pacific cod

5 AAC 28.6XX. Bering Sea State-Waters Pacific Cod Management Plan

(a) This management plan governs the harvest of Pacific cod in the Bering Sea Subdistrict. For the purposes of this section, the state waters in the Aleutian Islands District east of 167° W. long., and state waters of the District west of 164° W. long. and south of the latitude of Amak Island at 55° 20.70' N lat. comprises the Bering Sea Subdistrict.

(b) Each year the commissioner shall open and close, by emergency order, a parallel season in the Bering Sea Subdistrict during which the use of gear allowed in the federal season for Pacific cod in the Bering Sea-Aleutian Islands Area is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

(c) Each year the commissioner shall open and close by emergency order, a state-waters season in the Bering Sea Subdistrict for longline gear and for pot gear. For the purposes of this section, when a state-waters season for Pacific cod is open, the parallel season is closed for longline and pot gear. The commissioner shall close the state-waters season by emergency order when the guideline harvest level is reached, or on December 31, whichever comes first.

(d) The state-waters season is as follows:

(1) the state-waters season shall open 12:00 noon seven days following the closure of the federal Bering Sea-Aleutian Islands hook-and-line/pot catcher vessel less than 60 feet in overall length sector;

(2) the state-waters season shall close when the guideline harvest level is taken; if the guideline harvest level is not taken by August 28, the commissioner shall close the state-waters season on August 28 and re-open the parallel season;

(3) if the guideline harvest level remains after the closure of a parallel season for Bering Sea-Aleutian Islands hook-and-line/pot catcher vessel less than 60 feet in overall length sector, the commissioner may reopen by emergency order a state-waters season, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first.

(e) 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.

(f) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Bering Sea Subdistrict is 3 percent of the combined acceptable biological catch of Pacific cod for the federal Bering Sea and Aleutian Islands areas;

(2) Pacific cod may be taken only with groundfish pots and longline gear as follows:

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

(B) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with 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 Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department;

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

(D) 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 28.632; or

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

(g) The Bering Sea Subdistrict state-waters fishery is an exclusive registration area for Pacific cod during a state-waters season.

(h) If at any time after October 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 that may be operated from a vessel;

(2) if needed, designation of the Bering Sea Subdistrict 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 Subdistrict.

(i) If the season is closed and immediately reopened under (d)(3) of this section, a vessel participating in the state-waters season when it was closed will be required to comply with the landing requirements of 5 AAC 28.681 until the season is closed again.

(j) In the state-waters season, a vessel owner or operator using pot or longline 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 or hooks/skates retrieved 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.

(k) 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 Subdistrict 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 outside the Bering Sea Subdistrict.

(l) 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.

(m) Federal fishery management measures for the protection of Steller sea lions are imposed as specified in Table 5 and 12 to 50 CFR 679 revised as of January 1, 2011.