

Decision outline for Pacific cod fishery coordination

1. **Parallel A-season opening:** Current status: mirrors federal waters opening on Jan. 1 for fixed gear (pot, jig, and longline) and Jan. 20 for trawl gear.
2. **State GHL opening (parallel A-season closing) options:** For each management area, the board must decide if gear types will open together or independently of each other.

Following federal A-season sector closure (pot, jig, and/or longline)

--And/Or--

Date certain (e.g., March 15)
Or: Date certain – department discretion

Note: Federal pot and longline sectors are expected to close late winter/early spring (status quo: allocation is similar to historical harvest). Federal B-season does not open for non-jig gear until Sept. 1. Federal jig sector was allocated more than historical harvest and step-up provisions will likely increase season length as allocation increases. Federal B-season for jig gear opens June 10.

Note: These options may result in concurrent seasons (most likely in the jig fishery). Board may recommend NMFS close the federal A-season jig fishery on March 15 to avoid concurrent fishing. Implement concurrent fishing mitigation measures if either of these two options is chosen without making a recommendation to NMFS to close the federal jig fishery on March 15. Under department discretion, the board would allow the department discretion to open a state-waters season on the date specified based on an assessment of inseason effort and harvest rate and the department's ability to provide for orderly fishing seasons.

Options for mitigating concurrent seasons: (see Attachment 1)

- Vessels may not register for the state-waters fishery if they are currently participating in the federal fishery.
- Vessels must validate (only in person or via fax) existing state-waters registration when checking back in or invalidate state-waters registration when leaving state-waters fishery.
- All catch must be delivered prior to state-waters registration and prior to invalidation of registration.
- State-waters registration will occur only in person (or via fax from remote locations) during regular business hours.

3. **State GHL closing options:**

Once the GHL is achieved
--And/Or--

Date certain
Or: Date certain – department discretion

Note: Implement concurrent fishing mitigation measures if this option is chosen.

Note: Date certain avoids concurrent fishing if the state-waters GHL is not harvested prior to the federal B-season opening date. The board may also provide department discretion for state-waters closure.

RCY

Decision outline for Pacific cod fishery coordination

4. Parallel B-season opening options:

Once the GHL is achieved in a state management area
or
Once all the GHLs in the federal regulatory area are achieved

Note: These options dictate whether state management areas are independent or dependent on each other (i.e., in the CGOA: do all state management areas (Areas H, K, and L) need to be closed prior to opening the parallel waters or can a state-water fishery be open in Area L while a parallel fishery is open in Area K?).

--And/Or--

Date certain (i.e., mirror federal B-season openings)
Or: Date certain – department discretion

5. Reopen the state GHL season options:

If the parallel B-season is opened prior to the state GHL being reached in one or more management areas, the state GHL season will reopen in the area(s):

Following federal B-season
sector closure (pot, jig, or HAL)

Note: In some years, the federal B-season has remained open through the end of the year.

--And/Or--

Date certain
Or: Date certain –
department discretion

Note: This option may result in concurrent fishing if the federal TAC is not harvested prior to whichever date the board sets. Implement concurrent fishing mitigation measures if this option is chosen or provide the department with discretion to assess manageability as outlined under #2.

6. Rollover Dates: The board may wish to consider modifications.

Pacific cod management plans specify various dates when an unharvested jig allocation can be made available to other legal gear (generally pot gear). Current rollover dates are: August 15 – Chignik, September 1 – Cook Inlet & Kodiak, October 1 – Prince William Sound, October 31 – South Alaska Peninsula.

7. Managing other gear types: The board should decide if the parallel waters will remain open or close to federal gear sectors not included in state-water management plans (i.e., trawl in all areas and longline for all areas except PWS) when the state-water fisheries are open.

Mitigating for concurrent state-waters and federal Pacific cod seasons

Adopting all of the following measures will mitigate, but not eliminate, management imprecision associated with concurrent fishing. Some enforcement concerns may also be mitigated.

1. Vessels may not register for the state-waters fishery if they are currently participating in the federal waters fishery. Vessels may not participate in the state-waters and federal fisheries in the same trip. The state-waters registration should restrict registration to one gear type.
 - + Simplifies catch accounting; state-waters fishery accrues towards GHL; federal/parallel fishery accrues towards TAC.
 - Difficult to enforce; vessels are unobserved and are not required to have vessel monitoring systems (VMS) when participating in the state-waters fishery. Jig vessels are VMS-exempt in the federal fishery.

2. Vessels must validate (only in person or via fax) existing state-waters registration when checking back into or invalidate state-waters registration when leaving state-waters fishery.
 - + Accurate real-time tracking of effort entering and leaving the fishery for inseason management.
 - + May ease enforcement concerns; would know which vessels are active.
 - Difficult to manage and track with large fleets (i.e., Kodiak jig fleet).
 - Requires additional resources (staff time).

3. All catch must be delivered prior to state-waters registration and prior to invalidation of registration.
 - + Ensures correct catch accounting.
 - + Reduces incentive to switch between federal and state fisheries.
 - Requires additional resources to verify landing.

4. State-waters registration will occur only in person (or via fax from remote locations) during work week (M-F, 8am-4:30pm).
 - + No extra work after-hours or on weekends.
 - + May facilitate more accurate accounting of effort.

Alternative option to allow for department discretion:

The department may open a state-waters season based on an assessment of inseason effort and harvest rate and the department's ability to provide for orderly fishing seasons. The department may open the state-waters season concurrently with the federal season or when the federal season is complete.

Table 1. State-waters Pacific cod jig fishery season dates, 1997-2011

JIG														
Kodiak			Chignik			South Alaska Peninsula			Cook Inlet			Prince William Sound		
	open	close		open	close		open	close		open	close		open	close
1997	4/4	12/31	1997	4/15	6/15	1997	4/4	12/22	1997	4/4	10/2	1997	4/4	10/2
1998	3/17	12/31		8/1	9/30	1998	3/10	10/9		10/26	12/31		10/26	12/31
1999	3/21	8/31		10/28	12/31	1999	3/15	12/31	1998	3/17	10/5	1998	3/17	10/5
	10/6	12/31	1998	4/1	4/26	2000	3/11	9/19		10/9	12/31		10/9	12/31
2000	3/11	12/31		5/20	12/31	2001	3/6	6/12	1999	3/21	9/1	1999	3/21	9/1
2001	3/11	12/31	1999	4/21	9/1	2002	3/5	4/26		10/5	12/31		10/5	12/31
2002	3/16	12/31		10/5	12/31	2003	2/24	4/22	2000	3/5	12/31	2000	3/11	12/31
2003	2/16	5/9	2000	4/15	12/31	2004	3/2	4/14	2001	3/5	12/31		7/5	12/31
2004	2/7	4/20	2001	3/11	12/31	2005	3/3	8/31	2002	3/10	12/31	2001	3/11	12/31
2005	2/2	4/21	2002	3/1	12/31	2006	3/9	9/1	2003	2/10	12/8	2002	3/16	12/31
2006	3/7	9/1	2003	3/1	6/4	2007	3/15	9/1	2004	2/1	12/31	2003	2/16	12/31
2007	3/6	9/1	2004	3/1	12/31	2008	3/7	9/1	2005	1/27	12/31	2004	2/7	12/31
2008	2/27	9/1	2005	3/1	12/31	2009	3/4	9/1	2006	3/1	10/2	2005	2/2	12/31
	10/5	11/22	2006	3/1	9/1	2010	2/26	5/27	2007	2/28	12/31	2006	3/7	12/31
2009	2/3	9/1	2007	3/1	9/1	2011	2/25	4/26	2008	2/21	9/1	2007	3/6	9/1
	10/3	12/31	2008	3/1	9/1					10/4	12/31	2008	2/27	9/1
2010	2/7	6/5		10/5	12/31				2009	1/28	9/1		10/4	12/31
2011	2/5	4/14	2009	3/1	9/1					10/1	12/31	2009	2/3	3/27
				10/3	12/31				2010	2/1	9/1	2010	2/7	2/23
			2010	3/1	12/31					9/13	12/31	2011	2/5	2/23
			2011	3/1	ongoing				2011	1/30	ongoing			

Table 2. State waters Pacific cod pot and longline fishery season dates, 1997-2011

POT															LINE		
Alaska			Chignik			South Alaska Peninsula			Cook Inlet			Prince William Sound			Prince William Sound		
year	open	close	year	open	close	year	open	close	year	open	close	year	open	close	year	open	close
1997	4/4	5/4	1997	4/15	6/15	1997	4/4	12/22	1997	4/4	4/7	1997	4/4	10/2	2009	3/14	3/27
	9/1	9/30		8/1	9/30	1998	3/10	4/14		6/15	10/2		10/26	12/31	2010	2/7	2/23
	10/28	12/31		10/28	12/31	1999	3/15	4/11		10/26	12/31	1998	3/17	10/5	2011	2/5	2/23
1998	3/17	4/27	1998	4/1	4/26		10/31	12/31	1998	3/17	4/7		10/9	12/31			
	9/1	12/31	1999	4/15	9/1	2000	3/11	4/8		6/15	10/5	1999	3/21	9/1			
1999	3/21	4/29		10/5	12/31	2001	3/6	4/13		10/9	12/31		10/5	12/31			
	10/6	12/31	2000	4/15	12/31	2002	3/5	3/24	1999	3/21	5/1	2000	3/11	12/31	Inside District		
2000	3/11	12/31	2001	3/11	12/31	2003	2/24	3/11		6/15	9/1		7/5	12/31	Outside District/Western Section		
2001	3/11	12/31	2002	3/1	12/31	2004	3/2	3/24		10/5	12/31	2001	3/11	12/31			
2002	3/16	5/4	2003	3/1	4/11	2005	3/3	3/24	2000	3/5	5/1	2002	3/16	12/31			
	9/1	12/31	2004	3/1	5/13	2006	3/9	3/29		6/15	12/31	2003	2/16	12/31			
2003	2/16	3/2	2005	3/1	5/10		4/4	4/8	2001	3/5	5/1	2004	2/7	12/31			
2004	2/7	2/22	2006	3/1	9/1	2007	3/15	4/17		6/15	12/31	2005	2/2	12/31			
2005	2/2	2/13	2007	3/1	9/1	2008	3/7	4/1	2002	3/10	5/1	2006	3/7	12/31			
2006	3/7	3/29	2008	3/1	9/1	2009	3/4	4/4		6/15	8/5	2007	3/6	9/1			
2007	3/6	4/8		10/5	12/31	2010	2/26	3/23		9/1	12/31	2008	2/27	9/1			
2008	2/27	3/26	2009	3/1	9/1	2011	2/25	3/11	2003	2/10	2/27		10/4	12/31			
	10/5	11/22		10/3	12/31					9/1	12/8	2009	2/3	3/27			
2009	2/3	2/18	2010	3/1	4/6				2004	2/1	2/23	2010	2/7	2/23			
2010	2/7	2/23	2011	3/1	3/17					9/1	12/31	2011	2/5	2/23			
2011	2/5	2/18							2005	1/27	3/16						
										3/16	3/26						
										9/1	12/31						
									2006	3/1	5/1						
										6/15	10/2						
									2007	2/28	5/1						
										6/15	9/1						
									2008	2/21	5/1 closed 4/1 for vessels >58'						
										6/15	9/1 vessels < 58' only						
										10/4	12/31 all vessels						
									2009	1/28	3/18						
										10/1	12/31						
									2010	2/1	3/28						
										9/13	12/31						
									2011	1/30	3/19 closed 3/13 for vessels >58'						

RC 5

Christopher Johnson
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Vince Webster, Chairman
Alaska Board of Fisheries
Boards Support Section
P.O. Box 115526
Juneau, Alaska 99811

September 20, 2011

Pacific Cod for Kodiak Area
RE: Proposal # 4, #5, #6

Dear Chairman Webster and Board Members,

I am writing to you in support of the Kodiak Area Pacific Cod Management Plan, Proposals 4, 5, and 6. I was born in Kodiak, Alaska and grew up commercial fishing with my father and have had a connection to the ocean and fishing my whole life. I became apart of the cod jigging fleet in January 2011 at the age of 24 when I purchased my first fishing vessel. I chose to get into cod jigging because it is one of the last open entry fisheries in Alaska that a young person without very much money could get into. If accepted, these three proposals will help young people like myself starting out in this industry become successful.

Proposal 4 - Harvest overage in state-waters Pacific pot cod - Support

This proposal suggests two options for addressing the overages in the state-waters Pacific Cod Pot Fishery. As the proposal states its preferred solution, I am also in support of divorcing the pot and jig allocations so that the jig fleet has the opportunity to harvest its full quota. Taking the pot overage out of the jig quota is entirely unfair to jig fisherman because it is taking money out of jig fishermen's pockets.

Proposal 5 - Lawful gear for Kodiak area - Support

This proposal deals with one of the most unjust and illegal situations that could easily occur during the state-waters Pacific cod jig fishery, the use of illegal gear types. I believe there should be no other gear than jig gear on the boat, to provide a level playing field for all jig fishermen.

Proposal 6 – Cap on 58’ and larger – Support

I support this proposal because the larger vessels are capable of fishing in rougher weather than the rest of small vessels in the jig fleet, which historically have been the heart of the fishery. This pushes the smaller vessels to try to fish in rougher weather, which adds yet another level of danger to an already dangerous industry. Capping the large vessels of 58 feet at their 10% historic high harvest is not only fair, but alleviates the pressure on the smaller boats to try and fish in weather that is outside their vessels' safety zone.

Please contact me if there are any questions about my comments. I appreciate you taking your time to review my thoughts and hope you will pass these three proposals.

Respectfully submitted,

Christopher Johnson
F/V Sukhoi
Kodiak, Alaska

**Kodiak Fish & Game Advisory Committee
September 22nd 2011-KNWRVC
Oliver Holm Chairman**

(Minutes represent a paraphrased summary of the KAC, department staff and public comments and are not a verbatim transcript of the meeting. Tapes of the meeting are available for review by contacting the committee secretary.)

Call to order: 7:10pm at KNWRVC

Roll Call: Quorum achieved with 12 members. Oliver Holm, Paul Chervanak, Julie Kavanaugh, Ron Kavanaugh, Don Fox, Kip Thomet, Harvey Goodell, Pete Hannah, Rick Berns, Rolan Ruos and Steve Taufent for Lou Dochtermann).

Department staff: Nick Salgalkin and Mark Stichert.

Public Safety: None.

Alaska Board of Fish: BOF member Susan Jeffrey was able to attend for part of the meeting.

Correspondence: None.

Chair Announcements: None.

Old Business: None.

New Business:

- 1) **Cod proposals:** Discussion and committee action on cod proposals and ACR 7 regarding Kodiak tanner crab pot limits.
- 2) **KAC member to BOF meeting:** Julie Kavanaugh was selected to represent the advisory committee at the October BOF meeting in Anchorage.
- 3) **Date for next KAC meeting:** December 8th 2011 set as date to discuss and take action on state wide game proposals. The meeting will be at 7pm at the KNWRVC.

ADJOURN---10:00pm

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ANCHORAGE

Comments from the Kodiak Fish & Game Advisory Committee re: Pcod proposals

Committee comments: After discussion KAC and audience members felt the fairest way to go for both gear groups would be to adopt the # 1 alternative in the proposal.

- 1) Establish pot and jig allocations in the state-waters Pacific cod Management Plan such that overages in the pot fishery do not impact the jig fishery allocation.

Proposal 5

Action: Take no action 12-0.

Description: Allow only jig gear onboard a registered state-waters Pacific cod jig vessel.

Amendment: None.

Discussion:

Staff comments: NEUTRAL. Some jig vessels had gear that was difficult to remove from the vessel (such as reels) causing concern within the jig fleet.

Committee comments: After KAC and audience discussion committee members decided to take no action and let the stakeholders hammer something out at the BOF meeting in committee in October.

Proposals 6 & 7 (taken and acted on together) **Action: Proposals 6 & 7 fail 12-0.**

Descriptions: 6) Cap jig vessels over 58 ft and larger to 10% of the state water allocation and 7) Cap jig vessels over 58 ft to 25% of the state-waters Pacific cod jig allocation.

Amendment: None.

Staff comments: NEUTRAL.

Committee comments: Committee members agreed with KAC member Mr. Berns that the fishery was initiated as an entry level fishery and as the larger vessels have not even reached the 10% level so that no action was warranted at this time and if some problems should arise in the future then the BOF could take it up in another board cycle.

Proposal 8

Action: Passes 12-0.

Description: Amend regulatory description of Kodiak ground fish area and districts.

Amendment: None.

Discussion:

Staff comments: House keeping proposal.

Committee comments: Agree with and support staff comments.

Chignik Pacific cod

Proposal 14

Action: Fails 12-0.

Description: Establish 14-day stand-down period for vessels using pot gear in a Pacific cod fishery prior to registering for the Chignik state-water Pacific cod season.

Amendment: None.

Staff comments: NEUTRAL the proposal is allocative in nature.

Comments from the Kodiak Fish & Game Advisory Committee re: Peod proposals

Committee comments: KAC members oppose this proposal as it would reallocate cod to the Chignik fleet away from other vessels that traditionally fish this area. Approximately 7-8 Kodiak boats would be affected. Some of the vessels that come into the area both fish and tender comments on the following proposals #15 & 16 apply here the committee would like to reference them.

Proposal 15

Action: Fails 12-0.

Description: Reduce pot limit in state-waters Pacific cod fishery from 60 to 40 pots.

Amendment:

Staff comments: NEUTRAL. No biological or management concerns.

Committee comments: It was noted that there are no local processors in the area and that a lot of the catch is tendered to Sand Point and Kodiak. Slowing the fishery down makes it less economical to tender the cod as the tenders would come in with smaller loads due to having to deliver product within a specific time (usually 3 days). Boats that run their catch to processors would incur greater fuel expenses. KAC member Mr. Bonney who holds the processors seat on the advisory committee stated that his cannery Alaska Pacific Seafoods who does buy cod in the area would find it less attractive because of increased tendering costs to continue buying fish in the area.

Proposal 16

Action: Fails 12-0.

Description: Establish daily fishing period for Pacific cod fishery.

Amendment: None.

Staff comments: Reference comments from proposal 15.

Committee comments: KAC would like reference comments on proposal 15 as they apply here. KAC members felt this proposal if adopted would drag the season out to the benefit of a small amount of boats.

Kodiak tanner crab

ACR 7

Action: Passes 12-0.

Description: Would keep tanner crab pot limits at 20 when the GHL goes over 2,000,000 lbs in the Kodiak area.

Amendment: None.

Staff comments: The department would have the GHL for the 2012 season by the time of the BOF October work session.

Committee comments: If the board accepts the agenda change request at the work session the KAC would like the board to address ACR 7 at the Valdez meeting in December if the GHL is over 2,000,000 lbs and at the March meeting in Anchorage if the GHL is under 2,000,000 lbs.

UNALASKA/DUTCH HARBOR FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 162 UNALASKA, AK 99685

RC7

Alaska Board of Fisheries Meeting

October 6-10, 2011 Anchorage, AK

Pacific Cod for Prince William Sound, Cook Inlet, Kodiak, Chignik,
and South Alaska Peninsula Areas

Unalaska/Dutch Harbor AC Comments on the following

Proposals from their September 17th 2011 meeting held in

Unalaska, Alaska

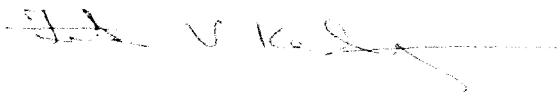
- A. **Proposal 18** under Amend 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan vessels transferring from Area O must stand down for seven days. No motion made to support.
- B. **Proposal 19** under 5AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Develop regulations governing the state water Pacific Cod fisheries to address federal/parallel Gulf of Alaska gear sector allocations. No motion made to support.
- C. **Proposal 20** under 5AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan.
- D. **Proposal 302** was motioned by Roger Rowland and seconded by Don Goodfellow. Mary Swenzfier spoke on proposal 302 which deals with Onboard Observer Certification and Decertification. She expressed that the wording would be more concise and raises the standards of the behavior of observers. Mr. Graves said that he liked the proposal, and wanted clarification on Observer responsibility. Mr. Holman inquired about what was considered still on the boat?' Motion passes 7-0.
- E. **Proposal 303** was motioned by Roger Rowland and seconded by Don Graves. Shellfish Onboard Observer Program. Proposal 303 is about when vessels needs and observer and harassment issues, which may also include vessel crew. The proposed harassment wording is more concisely stated. "for the purpose of this section, 'harass' means words, conduct, or action that, being directed at the observer, other issues that could cause emotional distress in the observer.' Motion passes 7-0.
- F. **Proposal 304** motion to adopt was made by Roger Rowland and seconded by Katherine McGlashan. Mrs. Fitch stated this proposal was modifying the Tanner crab pot storage area in the Eastern Aleutian Islands Tanner Crab fishery. Motion passes 7-0.

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UNALASKA/DUTCH HARBOR FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 162 UNALASKA, AK 99685

- G. **Proposal 305** was motioned by Roger Rowland and seconded by Don Goodfellow. The proposal would change the King Crab fishing season Area Q. Change fishing season date for St. Matthew Island blue king crab fishery to September 15 or September 1st from October 15th. The proposal changes (1) male blue king crab may be taken only from 12:00 noon **September 15 (or maybe September 1)** [OCTOBER 15] through 11:59pm **February 1;** [JANUARY 15]. Mrs. Fitch spoke on how much was caught, this season the quota was at 1.4 million pounds and only 1 million pounds having been caught to date. Mr. Kelty mentioned that this fishery was rationalized with an 80/20 North /South regional split, with the South communities, with the 20 % of the harvest landings. Mr. Rowland asked if the molting season would be a problem, Mrs. Fitch said there was no concern. Mr. Graves stated that he supported the motion, this may increase the harvest allowing the TAC to be taken in total and it is three day run from St. Matthew Island to Unalaska. Motion passed 7-0.
- H. **Proposal 306** was a proposal on Escape mechanism for shellfish and bottomfish pots. This proposal is for a super exclusive area Norton Sound and the Unalaska Advisory Committee had no comment.
- I. **Proposal 307** –was motioned to adopt by Roger Rowland and seconded by Don Goodfellow. 5AAC 35.520 **Size limits for Registration Area J; and 5AAC 35.508. Bering Sea District C. bairdi Tanner crab harvest strategy.** Mr. Kelty stated that if the size limit was reduced to 5” this would increase the TAC and allow the fishery to open, it would also reduce catches of sublegal male crab, thus reducing handling and discard mortality. Motion passed 7-0.
- J. **Proposal 308** Motion made by Roger Rowland and seconded by Don Goodfellow. Advisory Committee took ‘No Action’. This issue was specific to Kodiak.
- K. **Proposals 309, 310, 311, 312, & 314** were all motioned to adopt by Roger Rowland and seconded by Don Goodfellow, the committee took ‘No Action’ on these items.
- L. **Proposal 315** motion to adopt by Roger Rowland and seconded by Don Goodfellow. This new section Clarifies restriction on use of sport, personal, or subsistence caught shellfish by owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services as follows. Mr. Goodfellow emphasized that he has been at a business where this has happened and it subsidizes their operation. Motion supported 7-0.



2-19-11

Frank Kelty Chairman

Date

Unalaska 7282

Enforcement needs to be more aggressive in monitoring this situation so that legitimate jiggers are not penalized.

We have amended the proposal to make it applicable statewide and urge the Board to consider this approach.

Proposal 6 No Action - allocative

Proposal 7 No Action - allocative

Proposal 8 No Action – we are not familiar with the area

Proposal 34 No Action

Proposal 35 No Action

Proposal 36 Hubbard/Dubuc 0-5-3
General discussion, but in the end decided there was not enough information to make a reasonable decision.
Need more clarification and input from F&G

Proposal 37 No Action
Felt that data was being captured at the time of landings. Need clarification from F&G as to why the current system is not working.

Proposal 38 No Action – allocation issue
Seems to be aimed at protecting a small boat sector of the fleet.

Proposal 39 Casey/Bolten 0-8-1
We understand the idea that F&G would like to rapidly restructure the PWS Cod Management Plan, but reject the idea of providing them with a blank piece of paper and the ability to make potentially very broad modifications to the regulatory provisions. We would like to see the specific changes they are hoping to make.

Proposal 40 No Action - allocative

Proposal 41 No Action – we support the status quo

Proposal 42 Casey/White 0-10-1
Too generic
We understand the idea that F&G would like to rapidly restructure the Cook Inlet Cod Management Plan, but are wary of providing them with a blank piece of paper and the ability to make potentially very broad modifications to the regulatory provisions.
We would like to see the specific changes they are hoping to make to the plan.

5 AAC 28.267. PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN. (a)

This management plan governs the harvest of Pacific cod in the Prince William Sound Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel season in the Prince William Sound Area to coincide with the initial federal season in the federal Central Gulf of Alaska 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 Central Gulf of Alaska Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.230.

(c) The commissioner shall open, by emergency order, a state waters season in the Prince William Sound Area seven days following the closure of the directed federal season in the Central Gulf of Alaska Area and shall close, by emergency order, the state waters season, as follows:

(1) for mechanical jigging machines and hand troll gear, when the guideline harvest level is reached or December 31, whichever occurs first;

(2) for pots, when 60 percent of the guideline harvest level is reached or December 31, whichever occurs first; if the season is closed before October 1 because 60 percent of the guideline harvest level has been reached and the remaining guideline harvest level has not been taken by mechanical jigging machines and hand troll gear, the commissioner shall open, by emergency order, the fishing season on October 1; that season shall remain open until the guideline harvest level is reached or December 31, whichever occurs first.

(3) for longline gear, when the guideline harvest level is reached or on or before May 1;

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

(1) the guideline harvest level specified in (e)(2) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

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

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state waters season,

(1) 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.;

(2) the guideline harvest level for Pacific cod is 10 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area;

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

(A) 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 be registered to fish with only one of these two gear types; 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;

(4) If the guideline harvest level specified in (2) of this subsection is reached in any calendar year, the guideline harvest level will be increased beginning the next calendar year to 15 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area; if the 15 percent guideline harvest level is reached in any calendar year after it has been implemented, the guideline harvest level will be increased beginning the next calendar year to 25 percent of the total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area.

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

(2) if needed, in addition to (1) of this subsection, designate the Prince William Sound 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 28.271 until the season is closed again.

(i) Repealed 7/5/2000.

(j) Notwithstanding 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 the vessel using longline, pot, or mechanical jig 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.

5 AAC 28.367. COOK INLET PACIFIC COD MANAGEMENT PLAN. (a) This management plan governs the harvest of Pacific cod in the Cook Inlet Area.

(b) Each year the commissioner 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. The commissioner shall open and close, by emergency order, the parallel season during which the use of the same gear allowed in the federal Central Gulf of Alaska Area Pacific cod season 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 in the Cook Inlet Area 24 hours following the closure of the directed federal season in the federal Central Gulf of Alaska Area and shall close, by emergency order, the state waters season, as follows:

(1) for mechanical jigging machines and hand troll gear, when 25 percent of the guideline harvest level is taken by mechanical jigging machines and hand troll gear or December 31, whichever occurs first;

(2) for pots,

(A) the fishing season shall close at 12:00 noon on May 1 or when 75 percent of the guideline harvest level is taken by pot gear, whichever occurs first;

(B) if 75 percent of the guideline harvest level is not taken by pot gear during the fishing season specified in (A) of this paragraph, the commissioner shall open, by emergency order, a fishing season on June 15 and shall close, by emergency order, the season on December 31 or when 75 percent of the guideline harvest level is taken by pot gear, whichever occurs first;

(C) if 25 percent of the guideline harvest level is not taken by mechanical jigging machines and hand troll gear before September 1, the commissioner shall close, by emergency order, the fishing season and immediately reopen a fishing 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;

(D) if the season is closed and immediately reopened under (C) of 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;

(3) the fishing season for vessels longer than 58 feet in overall length fishing with pot gear shall close when 25 percent of the guideline harvest level has been taken by those vessels, unless the pot season has already been closed for the remainder of the season under (2) of this subsection; this restriction does not apply if the pot gear season is still open on September 1 under (2)(B) of this subsection or to a season reopened after August 31 under (2)(C) of this subsection; in this paragraph, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.

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

(1) the guideline harvest level specified in (e)(1) or, if applicable, (e)(2) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

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

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(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) repealed 4/9/2005;

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

(A) 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 be registered to fish with only one of these two gear types; 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 in an attempt to reach the guideline harvest level:

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

(2) if needed, in addition to (1) of this subsection, designate 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) Repealed 3/2/2011.

5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN. (a) This management plan 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 to coincide with the initial federal season in the federal Central Gulf of Alaska 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 Central Gulf of Alaska Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050, 5 AAC 28.430, or 5 AAC 28.450.

(c) The commissioner shall open, by emergency order, a state waters season in the Kodiak Area seven days following the closure of the directed federal season in the federal Central Gulf of Alaska Area and shall close, by emergency order, the state waters season, as follows:

(1) for mechanical jigging machines and hand troll gear, when 50 percent of the guideline harvest level is taken by mechanical jigging machines and hand troll gear or December 31, whichever occurs first;

(2) for pots, when 50 percent of the guideline harvest level is taken by pot gear or December 31, whichever occurs first; if 50 percent of the guideline harvest level is not taken by mechanical jigging machines and hand troll gear before September 1, the commissioner shall close, by emergency order, the fishing season and immediately reopen a fishing 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;

(3) if the season is closed and immediately reopened under (2) of 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.

(4) The fishing 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 or December 31, whichever occurs first, unless the pot gear season has already been closed under (2) of this subsection; in this paragraph "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers; the restrictions under this paragraph do not apply to a season reopened after August 31 under (2) 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

(1) the guideline harvest level specified in (e)(1) or if applicable, (e)(2) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

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

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state waters season,

(1) the guideline harvest level for Pacific cod in the Kodiak Area is 7.5 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

(2) if the guideline harvest level specified in (1) of this subsection is reached in any calendar year, the guideline harvest level will be increased beginning the next calendar year to 10 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area; if the 10 percent guideline harvest level is reached in any calendar year after it has been implemented, the guideline harvest level will be increased beginning the next calendar year to 12.5 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

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

(A) except as provided in (D) of this paragraph, 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 be registered to fish with only one of these two gear types; 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.

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

(g) 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) limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel are removed; or

(2) after October 30, if needed, in addition to (1) of this subsection, designate the Kodiak 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 28.471 until the season is closed again.

5 AAC 28.537. CHIGNIK AREA PACIFIC COD MANAGEMENT PLAN. (a) This management plan 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 to coincide with the initial federal season in the federal Central Gulf of Alaska 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 Central Gulf of Alaska Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.530. A person may not operate a vessel in the parallel season for Pacific cod that is more than 58 feet in overall length.

(c) The commissioner shall open a state waters season in the Chignik Area on March 15 and shall close, by emergency order, the state waters season, as follows:

(1) for mechanical jigging machines and hand troll gear, when 10 percent of the guideline harvest level is taken by mechanical jigging machines and hand troll gear or December 31, whichever occurs first;

(2) for pots, when 90 percent of the guideline harvest level is taken by pot gear or December 31, whichever occur first;

(3) if 10 percent of the guideline harvest level is not taken by mechanical jigging machines and hand troll gear before August 15, the commissioner shall close, by emergency order, the fishing season and immediately reopen a fishing 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;

(4) if the season is closed and immediately reopened under (3) of 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.

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

(1) the guideline harvest level specified in (e)(1) or if applicable, (e)(2) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

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

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state waters season,

(1) the guideline harvest level for Pacific cod in the Chignik Area is 5.25 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

(2) if the guideline harvest level specified in (1) of this subsection is reached in any calendar year, the guideline harvest level will be increased beginning the next calendar year to seven percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area, if the seven percent guideline harvest level is reached in any calendar year after it has been implemented, the guideline harvest level will be increased beginning the next calendar year to 8.75 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

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

(A) except as provided in (E) of this paragraph, 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 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 be registered to fish with only one of these two gear types; 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.

(f) The Chignik Area is a superexclusive 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. When the commissioner acts under this subsection, to increase the harvest rate in an attempt to reach the guideline harvest level, the commissioner:

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

(2) repealed 7/21/99.

(3) if needed, in addition to (1) of this subsection, may allow a vessel of any size to register to fish for Pacific cod in the Chignik Area.

(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 28.541 until the season is closed again.

(i) Repealed 3/6/2003.

(j) If the allocation for mechanical jigging machines and hand troll gear specified in (c)(1) of this section is harvested in any calendar year, the allocation will be increased beginning the next calendar year an additional five percent of the guideline harvest level, 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.

(k) In this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.

5 AAC 28.577. SOUTH ALASKA PENINSULA AREA PACIFIC COD MANAGEMENT PLAN. (a) This management plan 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 to coincide with the initial federal season in the federal Western Gulf of Alaska 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 Western Gulf of Alaska Area Pacific cod season is permitted, unless use of 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) Except as specified in (i) of this section, the commissioner shall open, by emergency order, a state waters season in the South Alaska Peninsula Area seven days following the closure of the directed federal season in the federal Western Central Gulf of Alaska Area. The commissioner shall, by emergency order, close the state waters season opened under this subsection as follows:

(1) for mechanical jigging machines and hand troll gear, the commissioner shall close the state waters season when the guideline harvest level is taken or on December 31, whichever occurs first;

(2) for pots, the commissioner shall close the state waters season when 85 percent of the guideline harvest level is taken by pot gear or on December 31, whichever occurs first; however, notwithstanding the obligation to close the state waters season under this paragraph, if 15 percent of the guideline harvest level is not taken by mechanical jigging machines and hand troll gear before October 31, the commissioner shall close, by emergency order, the fishing season and immediately reopen a fishing season during which all legal gear may be used, and shall, by emergency order, close the season on December 31 or when the guideline harvest level is reached, whichever occurs first;

(3) if the season is closed and immediately reopened under (2) of this subsection, a vessel participating in the state waters season when it was closed and immediately reopened is not required to comply with the landing requirements of 5 AAC 28.581 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 management plan if

(1) the guideline harvest level specified in (e)(1) or if applicable, (e)(2) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

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

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state waters season,

(1) the guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 15 percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area;

(2) if the guideline harvest level specified in (1) of this subsection is reached, in any calendar year the guideline harvest level will be increased beginning the next calendar year to 20 percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area; if the 20 percent guideline harvest level is reached in any calendar year after it has been implemented, the guideline harvest level will be increased beginning the next calendar year to 25 percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area; however, notwithstanding increases in guideline harvest levels authorized by this paragraph, an increase in the guideline harvest level does not apply for the 1998 fishery;

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

(A) except as provided in (E) of this paragraph, 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 be registered to fish only with one of these two gear types; 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.

(f) The South Alaska Peninsula 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. When the commissioner acts under this subsection, to increase the harvest rate in an attempt to reach the guideline harvest level, the commissioner:

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

(2) if needed, in addition to (1) of this subsection, may designate the South Alaska Peninsula Area as a nonexclusive registration area for Pacific cod; or

(3) if needed, in addition to (1) and (2) of this subsection, may allow a vessel of any size to register to fish for Pacific cod in the South Alaska Peninsula Area.

(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 28.581 until the season is closed again.

(i) 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 (c) 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 (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.

(j) 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.

(k) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers;

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Federal Management of the Jig Gear Sector in the Gulf of Alaska Pacific Cod Fisheries

Discussion paper prepared by National Marine Fisheries Service and North Pacific Fishery Management Council staff for the State of Alaska Board of Fisheries

Current Federal Pacific Cod Fishery Management in the Gulf of Alaska

The Federal Pacific cod fishery is managed through the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (GOA and its implementing regulations). As one of the most valuable fish species in the GOA, Pacific cod is the primary species targeted by vessels using pot and hook-and-line gear and is an important species for vessels using trawl gear. Smaller amounts of Pacific cod are taken by vessels using jig gear. The catch history of the Federal Pacific cod fishery by sector and gear type is displayed below in Table 1a and 1b.

Table 1a. Retained catch and percent of annual retained catch by each sector in the Western GOA Pacific cod Federal fisheries, 2003 – 2010.

Western Gulf of Alaska														
Year	Jig CV		Hook and Line C/P		Hook and Line CV		Pot C/P		Pot CV		Trawl C/P		Trawl CV	
	mt	%	mt	%	mt	%	mt	%	mt	%	mt	%	mt	%
2003	46	0.3	4,242	27.2	47	0.3	*	*	9,543	61.2	340	2.2	1,367	8.8
2004	183	1.2	2,893	19.2	28	0.2	*	*	9,715	64.4	539	3.6	1,717	11.4
2005	46	0.4	724	6.0	281	2.3	*	*	6,380	52.8	217	1.8	4,441	36.7
2006	*	*	2,691	19.4	106	0.8	0	0.0	5,918	42.7	218	1.6	4,916	35.5
2007	2	0.0	3,071	23.8	390	3.0	*	*	4,647	36.0	529	4.1	4,280	33.1
2008	54	0.4	3,082	21.1	566	3.9	*	*	5,920	40.5	390	2.7	4,613	31.5
2009	189	1.3	4,300	29.0	1,905	12.8	*	*	5,915	39.9	424	2.9	2,100	14.2
2010	306	1.5	4,932	23.8	1,666	8.0	0	0.0	10,512	50.7	385	1.9	2,915	14.1

* Confidential

Source: ADFG/CFEC Fish Tickets data compiled by AKFIN in Comprehensive_FT. NMFS Alaska Region Catch Accounting System data compiled by AKFIN in Comprehensive_BLEND_CA.

Table 1b. Retained catch and percent of annual retained catch by each sector in the Central GOA Pacific cod Federal fisheries, 2003 – 2010.

Central Gulf of Alaska														
Year	Jig CV		Hook and Line C/P		Hook and Line CV		Pot C/P		Pot CV		Trawl C/P		Trawl CV	
	mt	%	mt	%	mt	%	mt	%	mt	%	mt	%	mt	%
2003	16	0.1	1,462	6.1	3,586	15.0	0	0.0	3,201	13.4	1,219	5.1	14,405	60.3
2004	118	0.4	1,453	5.5	5,423	20.6	0	0.0	4,916	18.7	770	2.9	13,669	51.9
2005	137	0.6	267	1.2	4,271	19.3	0	0.0	8,169	36.9	719	3.2	8,591	38.8
2006	95	0.4	897	4.0	6,175	27.6	0	0.0	8,426	37.6	877	3.9	5,923	26.4
2007	39	0.2	1,376	5.5	6,339	25.2	336	1.3	8,271	32.9	590	2.3	8,210	32.6
2008	18	0.1	1,756	6.9	6,071	24.0	0	0.0	5,209	20.6	632	2.5	11,660	46.0
2009	42	0.2	1,154	5.7	5,270	26.0	0	0.0	5,366	26.4	1,023	5.0	7,446	36.7
2010	105	0.3	3,217	9.4	5,284	15.5	0	0.0	9,492	27.8	759	2.2	15,271	44.7

* Confidential

Source: ADFG/CFEC Fish Tickets data compiled by AKFIN in Comprehensive_FT. NMFS Alaska Region Catch Accounting System data compiled by AKFIN in Comprehensive_BLEND_CA.

Each year, the North Pacific Fishery Management Council (Council) recommends harvest specifications to the Secretary of Commerce. These specifications establish an overfishing level, acceptable biological catch (ABC), and total allowable catch (TAC) for Pacific cod among the Western, Central, and Eastern GOA regulatory areas. The GOA Pacific cod ABC is apportioned between fisheries managed exclusively by the State of Alaska (State) and fisheries managed by

NMFS. The State manages a parallel Pacific cod fishery and a Guideline Harvest Level (GHL) fishery in the State waters adjacent to the GOA regulatory areas.

After accounting for the State GHL fisheries, the remaining ABC in the Central and Western GOA is managed under a Federal TAC limit. The Council recommends each TAC so that total harvests under the State GHL and Federal TAC fisheries are slightly below the ABC to ensure that the ABC is not exceeded. In each Federal regulatory area, the State GHL portion of the ABC is applicable only to the harvest of Pacific cod in the State waters fisheries, while the TAC applies to both the Federal fisheries prosecuted in the exclusive economic zone (EEZ) and State-managed parallel fisheries for GOA Pacific cod.

While the directed fisheries for Pacific cod in Federal waters (3 nm to 200 nm) are open, directed fisheries for Pacific cod in State waters (0 to 3 nm) are open concurrently. These fisheries in State waters, referred to as the parallel fisheries, are prosecuted with catch accrued against the Federal TAC. State GHL fisheries are typically open when Federal/parallel fisheries are closed and are prosecuted in State waters. TAC allocations are further apportioned between inshore and offshore components: 90% of TAC in each regulatory area for processing by the inshore component; 10% of TAC for processing by the offshore component.

Current Jig Management in the Inshore Pacific Cod Fishery

Under Federal regulations vessels fishing for Pacific cod with jig gear compete with other vessels to harvest TAC apportioned to the inshore sector in each Federal regulatory area. The inshore TAC for Pacific cod is seasonally apportioned in the Western and Central Areas (annually in the Eastern). The Federal allocations are managed such that no more than 60% of TAC will be harvested in the A season. The A season lasts from January 1 through June 10 or until the TAC is reached. The remaining 40% of the TAC is available during the B season from June 10 through December 31 or until the TAC is reached. Incidental catch taken after June 10 accrues against the B season TAC. Table 2a and 2b describe the jig harvest by year and season for each Federal management area.

To meet the management objectives for GOA Pacific cod fisheries and the seasonal harvest targets set during the harvest specification process, NMFS requires vessel operators fishing in Federal waters to comply with various restrictions, including fishery time and area closures and halibut prohibited species catch (PSC) limits. All jig vessels participating in the GOA Pacific cod fishery, are required to have a Federal Fisheries Permit (FFP) onboard the vessel at all times while fishing in Federal waters. An FFP authorizes a vessel owner to deploy a vessel to conduct operations in the GOA. The operators of harvesting vessels that possess an FFP are required to comply with NMFS observer coverage requirements. Vessels using jig gear are not required to have FFP endorsement for the species and regulatory area(s) in which the fishery is prosecuted; however, the owners and operators of vessels using jig gear are required to have an FFP if they intend to fish in Federal waters. Tables 2a and 2b also display the number of unique jig vessels that annually harvest Pacific cod and also describe the number of participating jig vessels that had FFPs.

Table 2a. Western Gulf of Alaska jig catch (TAC & GHL) by season, number of participating vessels, and number of participating vessels with FFPs for all or part of the fishing year.

Western Gulf of Alaska and Adjacent State Waters						
Year	Season A		Season B		Unique Vessels Annually	Vessels with FFPs
	Vessels	Catch (mt)	Vessels	Catch (mt)		
2003	68	1,677	9	46	70	3
2004	59	888	4	58	62	9
2005	43	617	3	3	46	0
2006	12	44	1	*	13	0
2007	11	67	9	50	16	2
2008	23	201	46	474	55	4
2009	20	293	19	321	30	3
2010	33	1,026	32	416	49	10

* Confidential.

Source: NMFS Catch Accounting 7/2011; RAM FFP data

Table 2b. Central Gulf of Alaska jig catch (TAC & GHL) by season, number of participating vessels, and number of participating vessels with FFPs for all or part of the fishing year.

Central Gulf of Alaska and Adjacent State Waters						
Year	Season A		Season B		Unique Vessels Annually	Vessels with FFPs
	Vessels	Catch (mt)	Vessels	Catch (mt)		
2003	112	1,666	5	9	112	1
2004	142	2,151	12	50	146	10
2005	129	2,219	10	36	129	9
2006	79	641	21	75	80	8
2007	56	393	28	98	62	6
2008	68	712	36	237	78	3
2009	100	1,783	29	293	103	5
2010	85	3,015	15	58	92	5

Source: NMFS Catch Accounting 7/2011; RAM FFP data

Recent Changes in Federal Jig Management

Recent changes to Federal management of the Pacific cod jig fishery exempt vessels using jig gear from the license limitation program (LLP) requirement. As in most fisheries in Federal waters, an LLP license and an FFP are required to participate in the GOA Pacific cod fishery. In April 2009, the Council took final action on Amendment 86 to the GOA FMP, which added gear-specific (pot, hook-and-line (HAL), and jig) Pacific cod endorsements to Western and Central GOA fixed gear LLP licenses. In making its recommendation on Amendment 86, the Council exempted vessels using jig gear and operating with 5 or fewer jig machines, up to 30 hooks per line, and one line per machine from the LLP requirements. NMFS implemented

Amendment 86 with a final rule that published in the *Federal Register* on March 22, 2011 (76 FR 15826) and the rule became effective on April 21, 2011.

Current Harvest of Jig Vessels

The jig sector has generally harvested less than 1% of the Western and Central GOA Pacific cod TACs, as described in Tables 1a and 1b. Most jig vessels with Pacific cod catch during the Federal/parallel seasons in the GOA do not have LLP licenses as indicated in Table 3. Moreover, most of the jig harvest occurs within State waters (as GHL or TAC) with less Pacific cod being harvested within Federal waters as indicated in Table 4.

The dearth of catch in Federal waters indicates that LLP licenses may not be the most important factor limiting jig vessels from fishing in Federal waters. Inclement weather during the Pacific cod TAC fishery and small vessel size may be a more important factor limiting jig effort in Federal waters. It is too early to tell if the Council's exemption of jig vessels from the LLP requirement, as implemented under Amendment 86, will result in a significant increase in jig participation in the Federal Pacific cod fisheries. However, if jig vessels are able to fish in Federal waters during March through May, jig effort and catch may increase.

Table 3. Number of jig vessels with groundfish and Pacific cod catch in the Western and Central GOA, and number of vessels that hold LLP licenses

Year	Central GOA				Western GOA			
	All groundfish		Pacific cod		All groundfish		Pacific cod	
	LLP	No LLP	LLP	No LLP	LLP	No LLP	LLP	No LLP
2003	3	4	3	4	4	7	4	6
2004	7	23	7	21	7	15	7	14
2005	6	19	6	19	1	7	1	6
2006	7	17	7	16	*	1	0	1
2007	6	11	6	10	0	2	2	2
2008	3	8	3	8	7	2	7	2
2009	1	12	1	12	3	8	3	8
2010	6	17	6	16	6	23	6	23
2011**	4	18	4	18	2	5	2	5

*Confidential.

Sources: ADFG/CFEC Fish Tickets data compiled by AKFIN in Comprehensive_FT.

NMFS Alaska Region Catch Accounting System data compiled by AKFIN in Comprehensive_BLEND_CA, and RAM LLP data compiled by AKFIN.

**Preliminary data from 2011

Table 4 Comparison of jig harvest of Pacific cod in Federal waters TAC fishery, and the combined State parallel water (TAC) and State waters GHL harvest from the Western (610) and Central (620, 630 combined) management areas and adjacent State waters.

Retained Catch of Pacific Cod with Jig Gear						
Year	Federal EEZ (TAC, mt)		State waters (GHL+TAC, mt)			
	Western GOA	Central GOA	Kodiak	Cook Inlet	Alaska Peninsula	Chignik
2003	46	16	1,447	195	1,647	196
2004	183	118	1,909	147	758	64
2005	46	137	2,073	47	558	63
2006	*	96	656	*	34	*
2007	2	36	565	n/a	109	0
2008	63	19	895	n/a	638	*
2009	189	42	1,968	n/a	443	0
2010	351	105	2,951	22	1,050	*
2011**	70	297	3,236	n/a	1,103	84

*Confidential.

Sources: Federal catch ADF&G Fish Tickets and NMFS Blend and Catch Accounting; State waters catch: Kodiak, Chignik, and South Alaska Peninsula management areas; and ADF&G preliminary catch reports online.

**Preliminary data from 2011

In recent years, harvest of Pacific cod has increased in most State management areas, as described in Table 4. Jig harvests in the State fisheries were relatively high in some areas during 2003 through 2005, but declined substantially in 2006 through 2008. A combination of poor weather conditions, difficulty finding fish in State waters, and high operating costs contributed to low levels of jig effort in those years. Total catch was substantially below the GHLs in all four Western and Central GOA management areas in 2006 and 2007; and in Kodiak and Cook Inlet during 2008. Most unharvested State waters GHL was unused jig GHL. However, in 2009 in the Kodiak management area, jig vessels harvested the entire jig GHL, and more than 90% of the overall GHLs were harvested in all GOA management areas. Unharvested GHL is rolled over to other sectors on August 15 (Chignik) or September 1 (Kodiak and Cook Inlet), if it is determined that an allocation will not be fully harvested. In most seasons, State managers have the opportunity to re-open the State waters season in the fall and roll over unused jig GHL to the pot sector.

Proposed Changes to Jig Management

In December 2009, the Council took final action on Amendment 83 GOA Pacific cod sector allocations, which primarily limits the proportion of the respective Western and Central GOA Pacific cod TAC that may be harvested in each Federal regulatory area. If approved, Amendment 83 will supersede the 90% inshore / 10% offshore TAC processing component allocations. Each sector will instead receive an allocation -to support each sector's directed and incidental catch needs. The proposed rule implementing Amendment 83 published in the *Federal Register* on July 26, 2011 (76 FR 44700) and NMFS is currently requesting public comments on the action through September 9, 2011.

NMFS expects that regulations implementing Amendment 83 will be effective for the 2012 fishing year. Under Amendment 83, the jig sector will receive an initial allocation from the total management area Pacific cod TAC that is higher than the sector's historical catch in the GOA. Before allocations to other sectors are made, 1% of the Central GOA TAC and 1.5% of the Western GOA TAC will be set aside for the jig sector, with a stairstep provision to increase the jig allocation by 1% if 90% of the Federal jig allocation in a regulatory area is harvested in any given year. The jig allocation will be capped at 6% of the Central and Western GOA Federal Pacific cod TACs. In addition, the jig allocation will be stepped down by 1% in the following year if at least 90% of the previous allocation is not harvested in a given year, but will not drop below the initial allocation. Any increases in the jig allocation would result in proportional reductions to the Pacific cod allocations to other gear sectors. NMFS will seasonally apportion sector allocations between the A and B seasons, based on each sector's seasonal catch history during the qualifying years, while maintaining the aggregate 60 % A Season / 40 % B Season apportionment of the TAC in each regulatory area.

The Council's final action on Pacific cod sector allocations also recommended changing the season start dates to increase opportunities for the jig sector to access Pacific cod. The Council recommended dividing the Federal jig sector allocation between: the A season, opening on January 1 and closing when the A season allocation is reached or on March 15, whichever occurs first; and the B season, which would open on June 10 or after the State GHL season closes, or whichever happens first. NMFS is proposing Federal A and B season for vessels using jig gear that are consistent with the Council's intent to increase opportunities for the jig sector to access Pacific cod; however, this action would not implement a mandatory March 15 limit for the Federal A season. NMFS will continue to work with the State of Alaska Board of Fisheries and the Council to create a seamless Federal and State GHL jig fishery that would increase access to Federal waters for vessel using jig gear.

Further, NMFS anticipates that one or more sectors will be unable to harvest their annual allocation of TAC. To provide an opportunity for full harvest, NMFS will reallocate Pacific cod TAC projected to not be harvested to other sectors as rollovers. During the last fishing season of the year, NMFS will consider whether there will be sectors unlikely to use their remaining allocation. Any portion of jig, catcher vessel (CV), or catcher/processor (C/P) allocations that NMFS determines will not be harvested during the remainder of the fishing year would become available to the CV sectors first, then to all sectors, for harvest as soon as practicable. NMFS would taking into account the capability of a sector, as determined by NOAA's Alaska Regional Administrator, to harvest the remaining Pacific cod TAC in reallocating projected unused allocations.

Federal Regulatory Process

NMFS Amendment 83 rulemaking timeline:

- Final Council action on Amendment 83 GOA Pacific cod sector split took place December 2009
- NMFS released draft regulations to implement Amendment 83 on May 3, 2011
- Proposed rule/request for comments published in the *Federal Register* on July 26, 2011
- Federal Pacific cod jig fishery description available for Board of Fisheries on August 28, 2011
- Comment period for Amendment 83 was September 9, 2011
- Secretary of Commerce will approve, partially approve, or disapprove Amendment 83 by September 30, 2011
- Final Rule implementing Amendment 83 published in the *Federal Register* on December 1, 2011(*target*)
- Target for implementation of sector allocations: January 1, 2012 (*target*)

RC 11

Mr. Chairman and members of the board,

SUBMITTED BY - ALFREDO ABOUEID

My name is Alfredo Abou Eid and I have been a resident of Chignik Lagoon for over 34 years. I have been an AC member and a village counsel member. I have fished P-cod in the Chignik Area (CGOA and WGOA) for more than 22 years and the state water pot cod fishery since the beginning in 1997. I am here today representing myself to talk to you about the submitted proposals for the Chignik State P-Cod season. First I would like to amend proposal 11 which I submitted to read as following: Open the Chignik state water pacific cod pot season one week after the WGOA pot season closes. The main issue I have is the late opening date of March 15 of the Chignik State P-cod season. Mr. Chairman and members of the board I would like to see the Chignik State P-cod season open a week after the Western gulf pot federal fishery closes, the same as all the other areas such as Kodiak (CGOA), Sand Point and King Cove (WGOA). I don't see the reason why the Chignik Area has to be different from these other areas and open on a later date. Kodiak, Sand Point, and King Cove has a small shallow draft fleet that participates in their State P-Cod season the same as Chignik and they open one week after the western/central gulf pot federal fishery closes. There is no reason why the Chignik area has to be any different and open on a later set date. In the past 4 years as shown in RC 2, Pg.25. The Chignik State P-Cod Quota was caught and the opening date was March 1st and it was over in the march/April months at the latest. The reason the Quota was caught earlier than the previous years is that in the last 4 years (2008-2011) the number of pacific grey cod has increased in volume and some of the boats fishing in federal Area O (Bering Sea) have come to Chignik after Area O closes and fished the Chignik area till it closed. The quota in the 2006 and 2007 P-cod seasons in the Chignik Area wasn't caught. From 2003-2005 the quota was caught, but it was a later closing date, while the opening date was still March 1st. From 2002 and down, the quota was never caught. My point is that if a later opening date then one week after the western gulf pot federal fishery closes or March 1st. The chances for **not** catching the Chignik State P-Cod quota is greater. This is the reason why I support Proposals 10,11,12,18,20,21 and I strongly oppose Proposals 15 and 16. The reason I oppose proposals 15 and 16 is because proposal 15: the 40 pot limit instead of 60 pots, and proposal 16: the 6am to 6pm proposed fishing time would make it not feasible to go fishing due to inflated costs (high fuel prices, high insurance prices, high bait prices, higher maintenance costs). Another reason I oppose proposals 15 and 16 is that there are days that the weather doesn't cooperate until later in the day and vice versa, thus those proposals would limit the pots and hours I can work. It will also increase the chances of **not** catching the state pacific cod quota in the future. I also would like to amend proposal 14 to say if the pot vessel participating in a commercial pacific cod season in Area O immediately prior to participating in a Chignik state-water pacific cod season may not register for a Chignik state-water pacific cod season for a period of 7 days, then I would support proposal 14 or otherwise I strongly oppose proposal 14 as it stands today.

I would also like to address the jig fishery in Chignik. The jig quota in the Chignik area has not been caught since its start in 2000. I believe the jig quota in the Chignik Area should be dropped to 5% instead of the 10% it is currently at. If the 5% jig quota is caught, then it should be increased to 10%. If the 10% gets caught it would raise again to 15%.

Thank you Mr. Chairman and members of the board for taking the time to hear me out and if you have any questions or comments at this time I would be more than willing to answer them.