

Submitted by the Alaska Department of Fish and Game
January 7, 2014

5 AAC 38.0XX. State-Waters Weathervane Scallop Management Plan.

(a) In addition to the other requirements of 5 AAC 38 that apply to weathervane scallop, including the applicable provisions of 5 AAC 38.076, the provisions of the management plan in this section apply to the commercial taking of weathervane scallop in the state waters of Alaska in Scallop Registration Area D (Yakutat), Scallop Registration Area E (Prince William Sound), Scallop Registration Area K (Kodiak), and Scallop Registration Area O (Dutch Harbor).

(b) The weathervane scallop vessel registration year is April 1 through March 31.

(c) To participate in a state-waters weathervane scallop commercial fishery specified in (a) of this section, a vessel must be registered under (d) of this section by the preseason registration deadline specified in this subsection. The preseason registration deadline for the scallop vessel registration year is 5:00 p.m. April 1. The preseason registration applies only under this section and does not satisfy other registration requirements of 5 AAC 38.076.

(d) To preseason register a vessel, the vessel owner, or the vessel owner's authorized agent, must possess a valid CFEC interim-use permit for statewide scallop that includes the vessel's ADF&G permanent license plate number. The vessel owner, or the vessel owner's authorized agent, shall submit a preseason registration form in person, or by mail, electronic mail, or facsimile transmission, to the designated department office in the area responsible for management of the fishery indicating the registration area or areas that the vessel is being preseason registering for by the deadline specified in (c) of this section. The form must include the vessel operator's

- (1) CFEC interim-use permit number; and
- (2) intent to participate in the commercial weathervane scallop fishery in the registration area in either the state waters only or the state waters and the federal waters of the exclusive economic zone.

(e) Based on the department's assessment of vessel effort, manageability, and available harvest in state waters, the department may manage weathervane scallop in state waters separately from weathervane scallop in federal waters of the exclusive economic zone.

(f) If the commissioner determines that it is necessary for management and conservation purposes, the commissioner may require a vessel operator to register as provided by 5 AAC 38.076 for either the state waters of Alaska or the federal waters of the exclusive economic zone. The operator of a participating vessel may change registration only by contacting the designated department office in the area responsible for management of the fishery for which the vessel is currently registered during business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, except a state holiday, unless otherwise specified by the department. Before changing registration, the vessel operator shall ensure that all harvested scallops are shucked and the harvest weight is reported to the department.

(g) A registered vessel operator must report each day to the designated department office in the area responsible for management of the fishery any information that the commissioner determines is necessary for management and conservation of the fishery. The harvest of weathervane scallop taken from state waters must be reported on a fish ticket and the harvest of weathervane scallop taken from federal waters must be reported on a separate fish ticket. The harvest of weathervane scallop taken in state and federal waters may not be reported on the same fish ticket.

(h) A vessel participating in the scallop fishery must have on board an activated vessel monitoring system (VMS) approved by the National Marine Fisheries Service.

(i) If a vessel is restricted by vessel registration to either state or federal waters or the fishing season is closed under this section, a scallop vessel has ceased fishing when all scallop dredges being deployed from the vessel are visible at the water surface.

(j) If the commissioner determines that a trip limit will contribute to conservation or promote an orderly fishery, the commissioner may close, by emergency order, the commercial weathervane fishery in a registration area, or portion of a registration area, and reopen the fishery during which a trip limit is in effect based on the guideline harvest level or remaining guideline harvest level divided by the number of vessels that are currently registered.

(k) For the purposes of this section,

(1) the boundary between the state waters of Alaska and the adjacent federal waters of the exclusive economic zone in

(A) Scallop Registration Area D is the territorial sea boundary of Alaska as shown on *NOAA Chart #16016* (22nd Edition, August 2012), adopted by reference;

(B) Scallop Registration Area E is the territorial sea boundary of Alaska shown on *NOAA Chart #16723* (15th Edition, January 29, 2000), adopted by reference;

(C) Scallop Registration Area K is the territorial sea boundary of Alaska as shown on *NOAA Chart #16580* (14th Edition, January 2008), as revised as of November 2011 by the chartlet for Uyak Bay on Kodiak Island, adopted by reference;

(D) Scallop Registration O is the territorial sea boundary of Alaska as shown on *NOAA Chart #16011* (38th Edition, August 2012), adopted by reference;

(2) the designated department office in the area responsible for management of the fishery in

(A) Registration Area D is the department's office in Douglas or Yakutat;

(B) Registration Area E is the department's office in Cordova;

(C) Registration Area K is the department's office in Kodiak;

(D) Registration Area O is the department's office in Dutch Harbor.