

**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.] **Each year the commissioner shall open and close, by emergency order, [A] parallel seasons in the Chignik Area 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 28.530.** 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] **for mechanical jigging machines/hand troll and pot gear. For purposes of this management plan, when a state-waters Pacific cod season is opened to pot gear and mechanical jigging machine/hand troll gear the parallel seasons for those gear groups are closed.** [AND SHALL CLOSE, BY EMERGENCY ORDER, THE STATE WATERS SEASON, AS FOLLOWS: (1)] **During a state-waters season, mechanical jigging machines/hand troll receives 10 percent of the annual Chignik Area guideline harvest level and pot gear receives 90 percent of the annual Chignik Area guideline harvest level.** [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;]

**(d) Seasons for mechanical jigging machines and hand troll gear shall occur as follows,**

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

**(2) the state-waters jig season shall close when the jig guideline harvest level is achieved; if the state-waters jig guideline harvest level is not achieved by June 8, the department shall close the state-waters season for jig gear on June 8 or later with discretion;**

**(3) the parallel Central Gulf of Alaska jig sector B-Season shall open on June 10 or later with department discretion.**

**(4) the state-waters season shall reopen 48 hours after closure of the Central Gulf of Alaska jig sector B-Season if the mechanical jigging machine/hand troll guideline harvest level has not been achieved.**

**(e) Seasons for pot gear shall occur as follows,**

**(1) the parallel pot sector Pacific cod season in the Chignik Area will close when the Central Gulf of Alaska pot sector A-season allocation is achieved or seven days prior to the start of the state-waters season which ever is earlier and the state-waters season shall open on March 15;**

**(2) the state-waters pot season shall close when the pot guideline harvest level is achieved; if the state-waters pot guideline harvest level is not achieved by August 28, the department shall close the state-waters season for pot gear on August 28;**

**(3) the parallel Central Gulf of Alaska pot sector B-Season shall open on September 1.**

**(f) If state-waters guideline harvest level is not taken by the conclusion of the federal Central Gulf of Alaska pot sector B-Season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first;** [(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.

[(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;]

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

[(1) 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)]

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

**(h)** [(e)] During a state waters season,

(1) the guideline harvest level for Pacific cod in the Chignik Area is **8.75** [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;]

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

(A) except as provided in **(i)** [(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.

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

**(i)** [(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.

**(k)** [(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.

**(l)** [(i)] Repealed 3/6/2003.

**(m)** [(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.

**(n) When state-waters and federal Pacific cod seasons are open concurrently for the same gear,**

**(1) vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season;**

**(2) vessels registered for the state-waters season must invalidate their Chignik Area state-waters Pacific cod registration prior to participating in any other concurrent Pacific cod season;**

**(3) registration for a state-waters season may only occur in person or by facsimile during normal state office hours (8:00 a.m. to 5:00 p.m. Monday to Friday);**

**(4) all groundfish must be delivered prior to registering for, or invalidating their, registration for a Chignik Area state-waters Pacific cod season.**

**(o) When state-waters and federal Pacific cod seasons are open concurrently for a different gear type vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season.**

**(p) In this management plan department discretion means the department's ability to provide for orderly fisheries based on inseason assessment of effort, harvest rate, or remaining quota.**

**(q) [(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 seasons 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) Each year the commissioner shall open and close, by emergency order, state-waters seasons in the South Alaska Peninsula Area for mechanical jigging machines/hand troll and pot gear. For purposes of this management plan, when a state-waters Pacific cod season is opened to pot gear and mechanical jigging machine/hand troll gear the parallel seasons for those gear groups are closed. [EXCEPT AS SPECIFIED IN (1) 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)] During a state-waters season, pot gear receives 85 percent of the annual South Alaska Peninsula Area guideline harvest level. [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;]

**(d) Seasons for mechanical jigging machines and hand troll gear shall occur as follows,**

**(1) the state-waters season shall open 48 hours after the federal Western Gulf of Alaska jig sector A-Season closes; if the federal Western Gulf of Alaska jig sector A-Season has not closed by March 15, the department may open the state-waters season, with discretion, on or after March 15;**

**(2) the state-waters jig season shall close when the jig guideline harvest level is achieved; if the state-waters jig guideline harvest level is not achieved by June 8, the department shall close the state-waters season for jig gear on June 8 or later with discretion;**

**(3) the parallel Western Gulf of Alaska jig sector B-Season shall open on June 10 or later with department discretion;**

**(4) the state-waters season shall reopen 48 hours after closure of the Western Gulf of Alaska jig sector B-Season if the mechanical jigging machine/hand troll guideline harvest level has not been achieved.** [(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.]

**(e) Seasons for pot gear shall occur as follows,**

**(1) the state-waters season shall open 7 days following closure of the federal Western Gulf of Alaska pot sector A-Season;**

**(2) the state-waters pot season shall close when the pot guideline harvest level is achieved. If the state-waters pot guideline harvest level is not achieved by August 28, the department shall close the state-waters season for pot gear on August 28;**

**(3) the parallel Western Gulf of Alaska pot sector B-Season shall open on September 1.**

**(f) If state-waters guideline harvest level is not taken by the conclusion of the federal Western Gulf of Alaska pot sector B-Season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first. If the season is closed and immediately reopened under [(2)] this subsection a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.581 until the season is closed again.**

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

[(1) 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)]

**(1)** [(A)] adapt to unanticipated openings and closures of the federal season;

**(2)** [(B)] maintain sustained yield management; or

**(3)** [(C)] provide for orderly fisheries.

**(h)** [(e)] During a state waters season,

(1) the guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 25 [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;]

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

(A) except as provided in **(j) of this section** [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.

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

**(i)** [(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.

**(k)** [(h)] If the season is closed and immediately reopened under **(i)** [(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.

**(l)** [(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)] **(d)(1) and (e)(1)** of this section for the current day and night plus the following day and night for the state waters between Castle Cape and Cape Sarichef contains gale force wind warnings (35 knots or higher). If, after the initial weather delay, the following day's 4:00 a.m. National Weather Service marine forecast for the current day and night plus the following day and night contains gale warnings, the opening of the state waters season will be delayed an additional 24 hours. The season opening delays may continue on a rolling 24-hour basis for

seven days beyond the initial opening date, when the season will open regardless of any gale force wind forecast.

**(m)** [(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.

**(n) When state-waters and federal Pacific cod seasons are open concurrently for the same gear,**

**(1) vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season;**

**(2) vessels registered for the state-waters season must invalidate their South Alaska Peninsula Area state-waters Pacific cod registration prior to participating in any other concurrent Pacific cod season;**

**(3) registration for a state-waters season may only occur in person or by facsimile during normal state office hours (8:00 a.m. to 5:00 p.m. Monday to Friday);**

**(4) all groundfish must be delivered prior to registering for, or invalidating their registration in a South Alaska Peninsula Area state-waters Pacific cod season.**

**(o) When state-waters and federal Pacific cod seasons are open concurrently for a different gear type vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season.**

**(p) Vessels participating in a state-waters Pacific cod season may not participate in a concurrent Pacific cod fishery with a different gear.**

**(q) In this management plan department discretion means the department's ability to provide for orderly fisheries based on inseason assessment of effort, harvest rate, or remaining quota.**

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

**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,

**(1) [A] parallel seasons for jig, pot, and longline gear** in the Prince William Sound Area to coincide with the initial federal seasons in the federal Central Gulf of Alaska Area **for the jig, pot, and less than 50 foot hook-and-line (HAL) gear sectors, respectively.** [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. ]

**(2) notwithstanding (b)(1) the commissioner may open and close, by emergency order, parallel seasons for jig, pot, and longline gear to coincide with the federal Central Gulf of Alaska Area B-seasons for the jig, pot, and less than 50 foot (HAL) gear sectors, respectively.**

(c) The commissioner shall open and close, by emergency order, [A ] state-waters [STATE WATERS] seasons 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, **the state-waters season will open 24 hours following the closure of the initial federal season in the Central Gulf of Alaska Area for jig gear; the state-waters season will close for jig gear** when the guideline harvest level is reached, **a parallel season for jig gear is opened**, or December 31, whichever occurs first;

(2) for pot gear, **the state-waters season will open 24 hours following the closure of the initial federal season in the Central Gulf of Alaska Area for pot gear; the state-waters season will close for pot gear** when **90** [60]percent of the guideline harvest level is reached, **a parallel season for pot gear is opened**, 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, the state-waters season will open seven days following the closure of the initial federal season in the Central Gulf of Alaska Area for the less than 50 foot (HAL) gear sector or concurrent with the IFQ halibut season opening date, whichever occurs later; the longline state-waters season will close when 85 percent of the guideline harvest level is reached, a parallel season for longline gear is opened, or December 31, whichever occurs first; [OR ON OR BEFORE MAY 1;]

(4) if there is any guideline harvest level remaining on September 1, the commissioner may close, by emergency order, the fishing season and immediately reopen a fishing season to all legal gear on September 1 or following a parallel season closure; that season shall close on December 31 or when the guideline harvest level is reached, whichever occurs first; if the season is closed and immediately reopened under this paragraph, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.271 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 the commissioner determines it is necessary to

[(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]

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

(2) [(B)] maintain sustained yield management; or

(3) [(C)] provide for orderly fisheries; or

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

(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), **pot gear, or longline gear**, and may be registered to fish with only one of these **three** [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) the guideline harvest level for Pacific cod in the Prince William Sound Area is** 25 percent of the total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area. [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]

(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.

**(k) When state-waters and federal Pacific cod seasons are open concurrently for the same gear, or for a different gear type,**

**(1) vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season;**

**(2) vessels registered for the state-waters season must invalidate their Prince William Sound Area state-waters Pacific cod registration and all groundfish must be landed prior to participating in any other concurrent Pacific cod season;**

**(3) registration for a state-waters season may only occur in person or by facsimile during regular state office hours 8:00 a.m. to 5:00 p.m. Monday to Friday;**

**(4) all groundfish must be delivered prior to registering for a Prince William Sound Area state-waters Pacific cod season.**

Chignik

Prop #9


RC# \_\_\_\_\_

RC 35


In response to RC # 32, concerning the Chignik Area P-Cod management plan; we would urge the Board to consider a start date for statewaters cod that is triggered seven (7) days after the Western Gulf Federal A P-Cod season closes or March 1<sup>st</sup> - whichever is later. This would align the the Chignik statewaters P-Cod ~~season~~ management plan with simular statewaters fisheries.

A Board decision in January 2011, to change the Chignik statewaters P-Cod start date to March 15<sup>th</sup> has been identified to have drastic & ponitive consequences on the historical makeup of the statewaters fleet.

As the Board acts to co-ordinate with the NPFMC on Pacific Cod in the Gulf of Alaska, it is imperative that timing & dates chosen are selected with care to benefit the state fisheries to a maximum.

  
Erik Kowal  
FV Sylvia Star

Rep. Alan Lee  
FV ANSEAN FRONTIER

  
Clive  
FV MAMMAH DAWN

RC \_\_\_

RC 36

The opening date issue in the Chignik State water cod fishery should be changed at this meeting. All arguments to the contrary fail to adequately take into account the need to coordinate Chignik's State water cod fishery regulations with the upcoming federal water sector splits and the other gulf of Alaska State water cod fisheries.

There was a purpose to having Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Pen cod issues all on the table at the same time. The fact that the Chignik meeting was less than a year ago is really beside the point. I strongly encourage you to use all the best information you have before you right now to make your decision to appropriately coordinate the Chignik opening date with the other State cod fisheries in light of the upcoming sector splits in the federal cod fisheries.

The signatories support proposal 12 with amending the phrase "whichever is earlier" to "whichever is later" to satisfy concerns made by management.

*Alyce Spear Esq*  
*F/V AINSKAW FRONTIER*

*Benjamin T Allen*  
*F/V Illusion*

*Roy Kew*

*F/V Sylvia Star*

*Donald L. Benson*

*F/V Kimberly Dawn*



RC 37

RC \_\_\_\_\_

The Chignik Advisory Committee was unable to meet to comment on these proposals

However, it should be noted that with regard to the choice between opening dates of March 1 or March 15 the Chignik Advisory Committee vote at its December 27, 2010 on proposal 88 at your January meeting was against moving the date later from March 1 to March 15. The Chignik AC is on record supporting the March 1 opening date.

Attached are the December 27, 2010 Chignik AC minutes and Proposal 88 for the January 2011 Board of Fisheries meeting.

*Alfie P. ...  
FIS Alaska Eastern Chignik  
Donald L Bumpus f/u Kimberly Dawn - Advisory  
Committee Member  
Bryant C*

Chignik Advisory Committee Minutes  
December 27, 2010

Teleconference meeting was brought to order at 11:20 am on December 27, 2010 by Chairman Johnny Lind.

AC members present by village:

Andy Shangin, Perryville;  
Jerry Yagie, Ivanoff Bay;  
Johnny Lind, Chignik Lake;  
Ernie Carlson (Alternate), Chignik Bay; and,  
John Jones (Alternate), Chignik Lagoon.

With Board support staff Andrew DeValpine advising, the members agree by unanimous consent to seat:

Al Anderson and  
Don Bumpus  
as Chignik Lagoon representatives and agreed that quorum is established.

Guests included:

Perryville: Boris Kosbruk, Austin Shangin  
Chignik Lagoon: Clem Grunert, Delissa, Aaron Anderson  
Andy DeValpine, ADF&G Board Support Staff  
Bruce Barrett, Chignik Regional Aquaculture Association Staff  
Chuck McCallum, Lake and Peninsula Borough Fishery Advisor  
Mark Stichert; Nick Sagalkin; Todd Anderson; and, Jeff Wadle: All ADF&G Staff

The agenda is approved and by unanimous consent, it is agreed to cover the salmon Proposals 95 - 101 first followed by the groundfish Proposals 83 - 94.

**Salmon Proposals**

Proposal 95 - No Action based on similarity to Proposal 96

Proposal 96 - Unanimous Support

Comments: The purpose of this proposal is to have traditional subsistence fishing patterns formally recognized by the State in regulation. This proposal would not expand Chignik subsistence fishing or practices beyond what currently occurs. It would encourage accurate subsistence harvest reporting. We want to head off potential problems - We don't want to see someone get pinched for a traditional practice like having a salmon lunch in a traditional but technically illegal place.

Proposal 97 – Unanimous Support

Three years of limited Western District openings in June have not caused any biological, management, or allocation issues. The Western District is close to Chignik Lagoon so it is reasonable to have the continued opportunity to fish there. This helps distribute the fleet by providing more alternative fishing areas for early-run Chignik sockeye salmon.

Proposal 98 – Failed 1 in favor, 1 abstention, 5 against

Comments: Advisory Committee members unanimously agreed that they would like to see Purse Seine length, including lead length, equal across all salmon harvest areas in the Westward Region – Kodiak, Chignik, and Area M. More AC members thought that the best was to reduce seine length in neighboring areas to equal Chignik length rather than increase Chignik Seine Length. It was noted that the proposal did not also ask that the seine length for the Chignik Bay District seine to be increased from the current 125 fathom limit. Longer seines outside of Chignik Bay District would favor the large Chignik boats because they can handle large gear and thus may cause allocation issues between large and small boat fishermen within the Chignik fishery. It could encourage over-capitalization. We might be creating a new interception fishery at Navy Island. In general more sockeye will probably be harvested in outside waters before they get into the Chignik Lagoon which may favor more non-resident, non-local permit holders as they tend to have the larger boats and more smaller boats tend to fish in the Chignik Bay District. There is no need for the longer seines since there is no forgone harvest opportunity and/or escapement surpluses. Nearly 1/3 of the Chignik salmon permits are inactive and this would make it more difficult for the fishery to return to full utilization of permits which used to be the norm for Chignik.

The minority that supported longer seines pointed out that neighboring areas have longer seines (when leads are considered) and Chignik should not be at a competitive disadvantage. They also noted that it is unfair that large boat operators are forced to fish less efficiently just because small boat operators choose not to upgrade. The minority also made a motion to amend the proposal for a smaller increase for outside seines to 250 fathoms and include an increase of the Chignik Bay District seines up to 150 fathoms and that amendment also failed.

Proposal 99 – Unanimous opposition

Comments: The AC noted that the Department is opposed. Some members noted that the department has done a good job of managing kings and that they have all the tools they need for good management. This proposal would impose an unnecessary burden on both sport and commercial fishermen. Some members noted, however, that it was harder to get subsistence kings than in the past. There was a concern that increasing sport fishing may be the cause but that this proposal was not the best way to address the problem.

Proposal 100 passed four in favor and three against.

Comments: Some AC members believed that sport fishing effort has dramatically increased in recent years and would likely become a problem that must be faced eventually. It was noted that it was harder to catch subsistence kings than in the past and pointed to the increase in sport effort as the cause. In general AC members were

interested in changing regulations to ensure subsistence fishing even if sport fishing were negatively impacted.

The discussion included how requiring no bait and no barbed hooks might help reduce hooking mortality. The sport fish biologist noted that studies show that good handling can reduce hooking mortality from 12% to 1.5% and the state assumes an average of 7%.

On proposal 100 the Chignik Regional Aquaculture Association recommended that the Advisory Committee oppose this proposal and offered the following statements as possible comments that AC members might want to consider adopting as their own:

- ADF&G has a long history of successfully managing the Chignik Chinook salmon run and this proposal is not warranted.
- Whenever there has been an in-season Chinook escapement concern ADF&G has acted timely responsibly to ensure that the escapement goal was reached. As evident of this in all of the last ten years the Chinook escapement has been met or exceeded.
- The proposal would encourage further escapement surpluses well beyond the upper biological escapement goal.
- The proposal would reduce Chignik sport fishing opportunity and probably financially damage the few sport fishing business operating in Chignik along with some of the support services providers (stores, aircraft charter operators).

The minority opinion of the Advisory Committee was that the proposal was unnecessary, and the department had all the tools needed to manage the kings for escapement and adequate, even if more difficult, subsistence harvest. Another suggested that increased commercial fishing time during the time period when kings are moving through the lagoon might also be a cause. It was also noted that in the past, when subsistence fishing was easier, that over escapements of kings were sometimes occurring so that the fish were being under utilized and easy to catch. They also noted that the Chignik River king escapement goal has always been met and quite often exceeded.

Proposal 101 passed with 4 in favor and three against

The AC felt that the comments made on proposal 100 applied also to proposal 101.

### **Groundfish proposals**

Proposal 83 – Unanimous approval

Comments: All this does is mirror the Area M 58 foot limit proposal early this year. Recent changes in federal water management raise concerns about possible influx of large vessels into state waters and this proposal is designed to limit that impact. In the Board finding on the State water cod fishery (97-169-FB) noted the Board of Fisheries stated that “the board also found it necessary to limit the size of participating vessels in some areas to further reduce catch rates, provide for extended seasons, and provide economic benefits to the regions in which the fishing is conducted.” The proposal helps to make sure that there will be fish in the water when the state water fishery starts.

Proposal 84 – Unanimous approval

The cod fishery is turning into a derby fishery. This will help slow the fishery down and slow the influx of super 8 vessels. Chignik is the last fishery to close so when they are coming this way from the Bering Sea they might stop here. It was pointed out that many bering sea super 8's do not harvest within three miles so would not be precluded from fishing Chignik when they got there but if this proposal had been in effect in 2005 about 25% of the harvest would have been excluded. It was also pointed out that the Boards findings for the State water cod fishery (97-169-FB) stressed that the board chose to make Chignik an exclusive area "to provide benefits to local economies that are based largely on small boat fishing" and that the intent of this proposal is in line with that.

Proposal 85 – Unanimously Passed with amendments  
The amended proposed new regulation would read

#### **5 AAC 28.537. Chignik Area Pacific Cod Management Plan**

(c)(1) for [MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR], vessels 42 feet in overall length or less when 10 percent of the guideline harvest level is taken by [MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR] vessels 42 feet in overall length or less or December 31, whichever occurs first;

(c)(2) for [POTS], vessels greater than 42 feet in overall length when 90 percent of the guideline harvest level is taken by [POT GEAR] vessels greater than 42 feet in overall length or December 31, whichever occurs first;

(c)(3) if 10 percent of the guideline harvest level is not taken by [MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR] vessels 42 feet in overall length or less before August 15, the commissioner shall close, by emergency order, the fishing season and immediately reopen a fishing season during which all [LEGAL GEAR] vessels 58 feet in length or less 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;

(j) If the allocation for [MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR] vessels 42 feet in overall length or less 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 for vessels greater than 42 feet in overall length be reduced by five percent accordingly. If the increased allocation for [MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR] vessels 42 feet in overall length or less 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] vessels 42 feet in overall length or less reaches 25 percent of the guideline harvest level.

The overall intent of the Chignik AC was to try to preserve opportunities for the smaller vessels while acknowledging that until such time as a local processor would process cod in Chignik that local jig opportunities would not be practical. Smaller vessels, 42 feet and under, would be allowed to fish either pot or jig and have access to the allocation that was previously jig only. While some AC members expressed doubts about whether this was the best way to protect entry level opportunities and fishing opportunities for the smaller vessels of the Chignik Area communities, after further discussion all AC members chose to support this approach.

Proposal 86 – unanimously opposed based on action on Proposal 85

Proposal 87 – unanimously opposed based on action on Proposal 85

Proposal 88 – Failed 2 in favor, 1 abstained, 4 opposed

Comments: The earlier the opening date the fish harvested are more desirable by the processors and the consumer market. The earlier the opening date the fewer non local boats are in the fishery and the later the opening date the more the local fishermen are vulnerable to big outside boats coming in and out competing the local resident cod fleet. Fish and game noted that the earlier the opening the more likely the cod are to be in state waters and the later the opening date the more likely the cod will be outside three miles.

The minority stressed that the earlier the opening date the more difficult and dangerous is the weather and the later it is the safer it is. Everyone acknowledged that weather is a big issue but, in contrast to the majority, the minority thought that weather and safety should determine that the later date is best to allow for local small boat fishing opportunities in Chignik.

Proposal 90 – Amended Proposal passes with six in favor and one opposed

The Amendment changed the required registration date from January 15 to January 31 and passed six in favor and one opposed.

The majority felt that the extra two weeks was important to decrease the chance that a local resident would accidentally forget to register in time while making it a bit harder for large boats to make an 'on the fly' decision to fish Chignik on their way back from the bering sea.

Proposal 91 – Unanimously opposed

The AC notes that the department reports that the Department of Law says that this is not within the authority of the Board. If this proposal was enacted it would close out new entrants.

Proposal 92 – Unanimous approval

This just gives the same pot storage flexibility that other areas have. It is a good thing for safety. As it is now two boats can be a stones throw from each other on either side of the three mile line and what is legal in federal water is illegal in state water.



Proposal 93 – Unanimous approval

Proposal 94 – Unanimous approval

At 4:30 pm the meeting was recessed until January 7, 10 am Alaska Time to take up the Board of Game proposals and the remainder of the agenda.

rollover clause when there are zero vessels registered for using jigging machines or hand troll gear.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No

**WHO IS LIKELY TO BENEFIT?** All Chignik state water P-cod fisheries and the Chignik village communities.

**WHO IS LIKELY TO SUFFER?** No one as jig and hand troll P-cod fishers will keep the full 10% gear specific allocation provided a single vessel for that gear type registers before March 21.

**OTHER SOLUTIONS CONSIDERED?** Limit the rollover to 1/2 the allocation. Economically and biologically there is no apparent need to leave 1/2 the allocation on the table if there is not jig effort as was the situation in the 2009 fishery.

**PROPOSED BY:** City of Chignik (HQ-10F-017)  
\*\*\*\*\*

**PROPOSAL 87 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan.** Reduce jig allocation to 5 percent for state-waters Pacific cod fishery; however, pot fleet may take jig allocation if no registered jig gear as follows:

Pot fisherman in the Chignik Management Area may take the entire quota, unless someone registers for the jig fishery and only 5% of the quota is allocated to the state cod jig fishery.

**ISSUE:** Non-use or participation in the Chignik cod jig fishery.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Economic loss to the people who fish cod in the Chignik Area.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** This proposal's intent is to utilize the whole resource.

**WHO IS LIKELY TO BENEFIT?** All who are involved in the fishery.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** N/A

**PROPOSED BY:** Chignik Marketing Association (HQ-10F-010)  
\*\*\*\*\*

**PROPOSAL 88 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan.** Change season opening date for state-waters Pacific cod fishery to March 15 as follows:



The commissioner shall open a state waters season in the Chignik Area on March 15 [MARCH 1].

**ISSUE:** The Chignik state waters opening for the Pacific cod fishery is too early. March is a severe weather month for the Chignik costal area and, as a consequence, local small-boat fishery participation is extremely disadvantaged. The fishery should open later to more appropriately provide fishing opportunity for everyone while still ensuring good product quality, marketability and free competition.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The Chignik state waters P-cod fishery will continue to exclusively favor the large boats greater than 50 feet because they can better handle typical March sea conditions and further, maintaining the March 1 opening date will preserve the high risk scenario for small boats and their minimal participation in this common property fishery.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No, however, a March 15 opening date would ensure high product quality harvest at a time when roe content and body condition (weights) are good; further, a later opening date will encourage local processing and, importantly, stimulate the local economy through more job opportunities.

**WHO IS LIKELY TO BENEFIT?** The local villages will be better served by increased employment and revenue and it would benefit local small boat operators and their crews.

**WHO IS LIKELY TO SUFFER?** The large boat fleet due to the increased competition from the local fleet who will be able to fish this common property fishery following adoption of a slightly later fishery opening date.

**OTHER SOLUTIONS CONSIDERED?** An April 1 opening date was preferred but rejected to minimize the impact on the large boat fleet. Allocating based on boat length was rejected as being potentially divisive.

**PROPOSED BY:** City of Chignik (HQ-10F-016)  
\*\*\*\*\*

**PROPOSAL 89 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan.** Establish weather delay criteria for opening the state-waters Pacific cod fishery as follows:

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.

**ISSUE:** Bad weather on Tanner crab openings.

10/9/11

RC 38

Alaska Board of Fish Re: Pacific Cod for PWS, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula

For the record: RC submission

We as jig stakeholders are pleased and appreciative of the board's deliberation and resolution of proposal 3, especially in allowing for some local management discretion in coordinating state and federal jig seasons. With that in mind, we would like to bring to your attention that a "reverse parallel" jig fishery is our preferred alternative in the long term as we step up and accumulate federal quota under sector split implementation.

We define a "reverse parallel" fishery as a state managed jig fishery where fish harvested outside of three miles in federal waters during the state fishery could accrue to the state jig JHL quota. This would be a management plan similar to the state jig black rockfish fishery, where the state maintains jurisdiction to two hundred miles.

In addition to reducing stranded state quota, a "reverse parallel" fishery (triggered by local management discretion) will impart harvesting benefits to the jig fleet which concurrent seasons cannot. For example, if federal A season is not closed by March 15, a "reverse parallel" state season will allow additional harvesting capability to the jig fleet outside three miles during the crucial post-spawn, heavy feeding months of April and May. Not only will this impart added opportunity and revenue to the jig fleet, but it will help insure that the state season is fully utilized by the start of federal season June 10.

This would allow the jig fleet to fully concentrate solely on federal B season quota for the remainder of June and the rest of the year thus increasing the possibility of fully utilizing 90% of the federal allocation and thus obtaining a federal allocation step up the following year.

Specifically, we respectfully ask that the BOF write a letter to the NPFMC as soon as practicable identifying a "reverse parallel" jig fishery as our ultimate preferred alternative and requesting further cooperation and coordination in finalizing such. In addition we request that deliberations and consideration of a state "reverse parallel" jig fishery be placed on the agenda for the next joint protocol meeting.

We appreciate your continued attention to this matter.

Sincerely,

Darius Kasprzak

*Darius Kasprzak*

(president, Alaska Jig Association)

Neil Rickman

*NR*

(VP AJA)

**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,

(1) [A ] parallel seasons in the Cook Inlet Area to coincide with the initial federal seasons 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.

**(2) Notwithstanding (b)(1) the commissioner may open and close, by emergency order, parallel seasons to coincide with the federal Central Gulf of Alaska Area B-seasons during which the use of the same gear is allowed as described in (b)(1).**

(c) The commissioner shall open, by emergency order, a state-waters [STATE WATERS] season for jig and pot gear in the Cook Inlet Area 24 hours following the closure of the initial [DIRECTED] federal season in the federal Central Gulf of Alaska Area for jig and pot gear sectors and shall close, by emergency order, the [STATE WATERS] state-waters seasons, as follows:

(1) for mechanical jigging machines and hand troll gear, when 15 [25 ] percent of the guideline harvest level is taken by mechanical jigging machines and hand troll gear, a parallel season for jig gear is opened, or December 31, whichever occurs first; if 90 percent of the jig allocation is reached in any calendar year, it would increase beginning the following calendar year by 5 percent to a maximum of 25 percent.

(2) for pot gear, [(A) THE FISHING SEASON SHALL CLOSE AT 12:00 NOON ON MAY 1 OR ] when a maximum of 85 [75 ]percent of the guideline harvest level or the percentage of the guideline harvest level as adjusted by any change in the jig allocation as specified under (c)(1) is taken by pot gear, a parallel season for pot gear is opened, or December 31, 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; ]

**(3)** [(C)] if [25 percent of the] **there is any** guideline harvest level **remaining** [IS NOT TAKEN BY MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR BEFORE] **on** September 1, the commissioner **may** [SHALL] close, by emergency order, the fishing season and immediately reopen a fishing season [DURING WHICH] **to** all legal gear **on September 1 or following the closure of a parallel season; that season** [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** [STATE WATERS] season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.371 until the season is closed again;

**(4)** [(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 gear 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 **(3)** [(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 **the commissioner determines it is necessary to**

[(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]

**(1)** [(A)] adapt to unanticipated openings or closures of the federal season;

**(2)** [(B)] maintain sustained yield management; [OR]

**(3)** [(C)] provide for orderly fisheries; **or**

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

(e) During a state waters season,

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

(2) repealed 4/9/2005;

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

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

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

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with 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 fishing 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.

**(j) When state-waters and federal Pacific cod seasons are open concurrently for the same gear, or a different gear type,**

**(1) vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season;**

**(2) vessels registered for the state-waters season must invalidate their Cook Inlet Area state-waters Pacific cod registration and all groundfish must be landed prior to participating in any other concurrent Pacific cod season;**

**(3) registration for a state-waters season may only occur in person or by facsimile during regular state office hours 8:00 a.m. to 5:00 p.m. Monday to Friday;**

**(4) all groundfish must be delivered prior to registering for a Cook Inlet Area state-waters Pacific cod season.**

**ALASKA BOARD OF GAME  
Pacific Cod Meeting  
October 6-10, 2011  
Anchorage, Alaska**

***MISCELLANEOUS BUSINESS AGENDA***

1. Petition for taking Illegal Sale of Yukon River Salmon [Regnat]
  - a. Petition (RC 1, petition tab)
  - b. ADF&G comments (RC 29)
2. Consideration of request from SE Alaska Regional Dive Fisheries for an evening work session on sea otter impacts during the January 2012 BOF meeting in Petersburg [Regnat]
3. Finalize Board of Fisheries Meeting Dates & Locations for 2013/2014 Cycle (RC 19) [Wellard]
4. Advisory Committee Funding [Webster]
5. Joint Protocol Committee Discussion [Webster]