

COMMERCIAL FISHERIES

Emergency Order

ALASKA DEPARTMENT OF
FISH & GAME

Under Authority of AS 16.05.060

Emergency Order No. 2-GF-H-01-23

Issued at: Homer, Alaska

Date: December 14, 2022

Effective Date: January 1, 2023

Expiration Date: December 31, 2023

unless superseded by subsequent
emergency order.

EXPLANATION: This emergency order (EO) closes and immediately re-opens the fishing season for directed groundfish and halibut fisheries in the Cook Inlet Area (Registration Area H) and establishes limits on the amount of groundfish which may be legally retained and sold by a Commercial Fisheries Entry Commission (CFEC) interim-use permit holder as bycatch, based on the round weight of the target species, during a directed fishery. This EO also establishes bycatch allowances for directed salmon and herring fisheries in the Cook Inlet Area where groundfish may be taken incidentally by drift or set gillnet gear. Except as expressly stated, this EO does not supersede other groundfish regulations in Chapter 28 of the Alaska Administrative Code.

This EO does not supersede groundfish regulations governing retention, possession and landing requirements, trip limits, and guideline harvest level (GHL) of rockfish in waters of the Cook Inlet Area as defined by 5 AAC 28.365. Cook Inlet Rockfish Management Plan. In the Cook Inlet Area, a CFEC permit holder participating in a directed groundfish or halibut fishery must retain all rockfish, and all rockfish in excess of established bycatch allowances must be weighed and reported as bycatch overage on an ADF&G fish ticket; all proceeds from the sale of excess rockfish shall be surrendered to the state; in the Cook Inlet District, a trip limit is established of 1,000 pounds (round weight) of all rockfish species within five consecutive days; in the North Gulf District, a trip limit is established of 4,000 pounds (round weight) of all rockfish species within five consecutive days; and a GHL is established of 150,000 pounds for the Cook Inlet Area for all rockfish species combined.

This EO does not supersede groundfish regulations governing possession requirements of pollock and Pacific cod as established by 5 AAC 28.070 (e): A CFEC permit holder operating a vessel fishing for groundfish shall bring on board the vessel all Pacific cod and walleye pollock caught while operating the vessel. The permit holder or a crewmember may not take any action intended to discard or release Pacific cod or walleye pollock before the fish is brought on board the vessel. The permit holder shall retain:

- (1) all Pacific cod brought on board a vessel when a directed fishery for Pacific cod is open and all Pacific cod brought on board a vessel up to the maximum retainable bycatch allowance of Pacific cod when a directed fishery for Pacific cod is closed; and
- (2) all walleye pollock brought on board a vessel when a directed fishery for walleye pollock is open and all walleye pollock brought on board a vessel up to the maximum retainable bycatch allowance of walleye pollock when a directed fishery for walleye pollock is closed.

This EO does not supersede lingcod season and possession requirements for the Cook Inlet Area as established by 5 AAC 28.310 (b) and 5 AAC 28.370 (a) providing that lingcod may only be retained from July 1 through December 31, unless closed earlier by EO, and retained lingcod must measure at least 35 inches from the tip of the snout to the tip of the tail, or 28 inches from the front of the dorsal fin to the tip of the tail. Undersized lingcod shall be returned to the water immediately without further injury. The lingcod bycatch allowances set forth in this EO are in effect only during open lingcod retention periods.

This EO does not supersede sablefish season and possession requirements for the Cook Inlet Area as established by 5 AAC 28.310 (c) and 5 AAC 28.360 (a) providing that sablefish may be taken only from July 15 until closed by EO, and sablefish may be retained only during an open directed sablefish fishery on board a vessel that is registered to participate in the Cook Inlet Area sablefish fishery.

This EO does not supersede miscellaneous shellfish regulations governing retention and possession requirements of octopus for the Cook Inlet Area as established by 5 AAC 38.360. Cook Inlet Area Octopus Management Plan. There is no open season for directed fishing for octopus, but retention is allowed as bycatch not to exceed 20 percent, by weight, of the directed harvest on board a vessel. The annual GHL of octopus as bycatch may not exceed 35,000 pounds in round weight and when the GHL has been reached, the commissioner shall close, by EO, the Cook Inlet Area to the retention of octopus.

REGULATORY TEXT: The following provisions of 5 AAC 28.070 (b) and 5 AAC 28.330 (b)(1) are effective:

5 AAC 28.070. Groundfish Possession and Landing Requirements (b) Consistent with 5 AAC 28.070 (b), bycatch limits are defined below for groundfish fisheries in waters of the Cook Inlet Area. The limits are round weight of bycatch, as a percentage of the round weight of the target species. Bycatch limits defined by regulation are indicated in brackets. A permit holder in the Cook Inlet Area participating in a halibut or directed groundfish fishery:

- (1) may retain 20 percent Pacific cod;
- (2) may retain 5 percent skate species in aggregate;
- (3) may retain 15 percent shark species in aggregate (includes spiny dogfish);
- (4) may retain 20 percent lingcod;
- (5) may retain 20 percent pollock;
- (6) must retain all rockfish (and thornyhead) and any rockfish in excess of 10 percent in aggregate must be weighed and reported as bycatch overage on an ADF&G fish ticket [5 AAC 28.365(f)], except that;
 - (A) in a directed pelagic shelf rockfish fishery, all rockfish must be retained and all nonpelagic rockfish in excess of 20 percent in aggregate must be weighed and reported as bycatch overage on an ADF&G fish ticket [5 AAC 28.365(g)];
- (7) may retain 20 percent other groundfish in aggregate.

5 AAC 28.330. Lawful gear for Cook Inlet Area (b) Groundfish taken incidentally by drift or set gillnet gear lawfully operated for salmon or herring may be retained

(1) In accordance with 28.070 (b), as bycatch to directed salmon fisheries in limits as defined below. The limits are round weight of bycatch, as a percentage of the round weight of the target species. Groundfish retained in a salmon fishery must be weighed and reported on an ADF&G salmon fish ticket. A permit holder in the Cook Inlet Area participating in a directed salmon fishery:

- (A) may retain 20 percent Pacific cod;
- (B) may retain 5 percent skate species in aggregate;
- (C) may retain 15 percent shark species in aggregate (includes spiny dogfish);
- (D) may retain 20 percent lingcod;
- (E) may retain 20 percent pollock;
- (F) may retain 10 percent rockfish;
- (G) may retain 20 percent Starry flounder;
- (H) may retain 20 percent other groundfish in aggregate.

Douglas Vincent-Lang
Commissioner

By Delegation to: _____

Jan Rumble
Area Management Groundfish Biologist

JUSTIFICATION: Alaska Department of Fish and Game (ADF&G) manages all groundfish fisheries in the Cook Inlet Area as specified in 5 AAC 28.300 - 28.379. Statewide regulation 5 AAC 28.070 (b) allows ADF&G to establish bycatch limits for groundfish species of up to 20 percent, by weight, of the directed groundfish species on board the vessel. These limits are necessary to avoid waste of a bycatch species being harvested incidental to the target fishery and to provide consistency, where appropriate, with federal regulations.

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