

Submitted by the Alaska Department of Fish and Game
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**CHIGNIK, SOUTH ALASKA PENINSULA, AND
BERING SEA-ALEUTIAN ISLANDS AREAS PACIFIC COD
MANAGEMENT PLANS AND OTHER ASSOCIATED REGULATIONS**

State-Waters Pacific Cod Management Plans and General Provisions

5 AAC 28.081. State-Waters Pacific Cod Management Plans. (a) This section applies to the management plans for Pacific cod as set out for the Prince William Sound Area (5 AAC 28.267), Cook Inlet Area (5 AAC 28.367), Kodiak Area (5 AAC 28.467), Chignik Area (5 AAC 28.537), South Alaska Peninsula Area (5 AAC 28.577), and the Bering Sea–Aleutian Islands Area (5 AAC 28.647 and 5 AAC 28.648).

(b) Annual guideline harvest levels set out in these management plans depend on the Pacific cod stock assessments conducted by the National Marine Fisheries Service (NMFS).

(c) As used in this chapter, the term

(1) "estimated total allowable harvest" means the annual acceptable biological catch (ABC) established by the North Pacific Fishery Management Council (NPFMC) for Gulf of Alaska and Bering Sea and Aleutian Islands Pacific cod stocks, including the harvest of Pacific cod in a state-waters season defined in this subsection;

(2) "federal season" means a Pacific cod fishing season set by the NPFMC and implemented in the federal waters by the NMFS;

(3) "parallel season" means a Pacific cod fishing season in state waters established by the commissioner, under emergency order authority, to correspond with the times, and unless otherwise specified, the gear of the federal season in adjacent federal waters;

(4) "state-waters season" mean a Pacific cod fishing season in the waters of Alaska that occurs under a guideline harvest level;

(5) "federal Eastern Gulf of Alaska" means the Eastern Gulf of Alaska regulatory area as defined for the federal waters by the NPFMC;

(6) "federal Central Gulf of Alaska" means the Central Gulf of Alaska regulatory area as defined for the federal waters by the NPFMC;

(7) "federal Western Gulf of Alaska" means the Western Gulf of Alaska regulatory area as defined for the federal waters by the NPFMC;

(8) "federal Bering Sea and Aleutian Islands" means the Bering Sea and Aleutian Islands regulatory area as defined for the federal waters by the NPFMC;

(9) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;

(10) "working day" means a day other than Saturday, Sunday, or a state holiday.

(d) A guideline harvest level specified within an area management plan for Pacific cod in this chapter will be considered to have been reached in any calendar year if the total harvest is within 10 percent of the guideline harvest level. (Eff. 4/4/97, Register 142; am 5/31/98, Register 146; am 5/10/2006, Register 178; am 4/20/2012, Register 202; am 2/23/2014, Register 209)

5 AAC 28.086. Parallel groundfish fishery emergency order authority. (a) In addition to the provisions of this chapter and the reporting requirements specified in 5 AAC 39.130, and notwithstanding any contrary provisions of this chapter, the commissioner may open and close, by emergency order, a parallel groundfish fishery during which area closures, gear and vessel size restrictions, and bycatch control measures may be imposed as the commissioner determines are reasonably necessary to correspond with federal groundfish fishery management measures in adjacent federal waters.

(b) For the purposes of this section, "parallel groundfish fishery" means a groundfish fishery in state waters opened by the commissioner, by emergency order, to correspond with a federal groundfish fishery in adjacent federal waters. (Eff. 4/24/2009, Register 190; am 5/31/2009, Register 190; am 6/10/2010, Register 194)

5 AAC 28.087. Management measures in parallel groundfish fisheries for protection of Steller sea lions. (a) Notwithstanding the provisions of this chapter, in managing the parallel groundfish fisheries, the commissioner may open and close, by emergency order, fishing seasons during which area closures, gear restrictions, vessel size limits, reporting, monitoring, and enforcement requirements may be imposed to match federal fishery management measures for the protection of Steller sea lions.

(b) Notwithstanding (a) of this section, during a parallel season for Pacific cod

(1) in the Kodiak Area, the waters within three nautical miles of the Steller sea lion haul out at Cape Barnabas (57° 10.20' N. lat., 152° 53.05' W. long.) shall be open to pot and mechanical jigging machine gear;

(2) in the South Alaska Peninsula Area, the waters within three nautical miles of the Steller sea lion haul out at Caton Island (54° 22.70' N. lat., 162° 21.30' W. long.) shall be open to pot and mechanical jigging machine gear; and

(3) in the Bering Sea–Aleutian Islands Area, the state waters between 175° W. long. and 178° W. long. shall be open to fishing with trawl, pot, mechanical jigging machine, and hand troll gear by vessels that are no more than 60 feet in overall length, and to fishing with

longline gear by vessels that are no more than 58 feet in overall length, of which the Steller sea lion protection measures found in Table 5 to 50 C.F.R. 679, (69 Federal Register 75865, December 20, 2004) apply, except that all waters within three nautical miles of the Steller sea lion site at Kanaga Island/Ship Rock at 51° 46.70' N. lat., 177° 20.72' W. long. are closed to the taking of Pacific cod; for the purposes of this paragraph, "overall length" means the straight line length between extremities of the vessel, excluding anchor rollers.

(c) In state waters west of 144° W. long., a vessel participating in a parallel groundfish fishery must have on board the vessel an activated vessel monitoring system (VMS) approved by the National Marine Fisheries Service. A vessel using only mechanical jigging machines, hand troll gear, or dinglebar troll gear is not required to have a VMS on board the vessel.

(d) For the purposes of this section, "parallel groundfish fisheries" means the Pacific cod, walleye pollock, and Atka mackerel fisheries in state waters opened by the commissioner, under emergency order authority, to correspond with the times, area, and unless otherwise specified, the gear of the federal season in adjacent federal waters. (Eff. 1/3/2002, Register 161; am 8/18/2002, Register 163; am 12/29/2002, Register 164; am 4/24/2009, Register 190; am 5/31/2009, Register 190; am 1/20/2011, Register 197; am 6/17/2011, Register 198)

Chignik Area

5 AAC 28.506. Chignik Area registration. (a) The Chignik Area is a superexclusive registration area for Pacific cod during a state-waters season described in 5 AAC 28.537.

5 AAC 28.532. Groundfish pot storage requirements for Chignik Area. (a) Except as specified in (c) of this section, rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in water not more than 25 fathoms deep.

(b) Following the closure of a parallel season or state-waters season for Pacific cod, all groundfish pot gear used by a vessel registered to fish Pacific cod must be removed from the water, except that

(1) rectangular groundfish pots may be stored as described in (a) of this section;

or

(2) rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters more than 25 fathoms deep for seven days following the closure.

(c) During the seven days before the opening of the state-waters season for Pacific cod in the Chignik Area, rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters more than 25

fathoms deep. (Eff. 4/4/97, Register 142; am 7/5/2000, Register 155; am 5/1/2011, Register 198; am 4/20/2012, Register 202)

5 AAC 28.537. Chignik Area Pacific Cod Management Plan. (a) The management plan in this section 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 corresponding to the federal Central Gulf of Alaska Area and the federal Western Gulf of Alaska Area, during which use of the gear allowed in the federal seasons for Pacific cod is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.530. A person may not operate a vessel in a parallel season for Pacific cod that is more than 58 feet in overall length.

(c) Each year the commissioner shall open and close, by emergency order, a state-waters season in the Chignik Area for mechanical jigging machine and hand troll gear and for pot gear. For purposes of this section, when a state-waters season for Pacific cod is opened to mechanical jigging machine and hand troll gear or pot gear, the parallel season for the applicable gear type is closed. During a state-waters season,

(1) mechanical jigging machine and hand troll gear is allocated 10 percent of the annual Chignik Area guideline harvest level; and

(2) pot gear is allocated 90 percent of the annual Chignik Area guideline harvest level.

(d) The seasons for mechanical jigging machine and hand troll gear are as follows:

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

(2) the state-waters season for mechanical jigging machine and hand troll gear shall close when the mechanical jigging machine and hand troll gear allocation is taken; if the allocation is not taken by June 8, the commissioner shall close the state-waters season for mechanical jigging machine and hand troll gear on June 8 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(3) the parallel season that coincides with the federal Central Gulf of Alaska jig gear "B" season shall open on June 10 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(4) the state-waters season shall reopen 48 hours after the closure of the federal Central Gulf of Alaska jig gear "B" season if the mechanical jigging machine and hand troll gear allocation has not been taken; if the commissioner determines that the mechanical jigging machine and hand troll gear allocation or pot gear allocation will not be taken by August 14, the commissioner may close, by emergency order, the state-waters season for mechanical jigging machine and hand troll gear and immediately reopen a state-waters season during which all state-waters Pacific cod legal gear may be used and shall close the state-waters season for all gear

types on August 28 or when the annual guideline harvest level is achieved, whichever occurs first.

(e) The seasons for pot gear are as follows:

(1) the parallel season for pot gear shall close when the federal Central Gulf of Alaska pot gear "A" season is closed; the state-waters season shall open March 1 or seven days after the closure of the parallel season for pot gear, whichever is later;

(2) the state-waters season for pot gear shall close when the pot gear allocation is taken; if the commissioner determines that the pot gear allocation or the mechanical jigging machine and hand troll gear allocation will not be taken by August 14, the commissioner may close, by emergency order, the state-waters season for pot gear and immediately reopen a state-waters season during which all state-waters Pacific cod legal gear may be used and shall close the state-waters season for all gear types on August 28 or when the annual guideline harvest level is achieved, whichever occurs first;

(3) the parallel season that coincides with the federal Central Gulf of Alaska pot gear "B" season shall open on September 1.

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal Central Gulf of Alaska pot gear "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 achieved, whichever occurs first.

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

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

(2) maintain sustained yield management; or

(3) provide for orderly fisheries.

(h) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Chignik Area is 8.75 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

(2) 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, 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 28.20, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may not simultaneously be registered to fish with more than one gear type; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in 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) The Chignik Area is a superexclusive registration area for Pacific cod during a state-waters season.

(j) If at any time after October 30 the commissioner determines that the guideline harvest level for Pacific cod will not be achieved 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 achieve the guideline harvest level:

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

(2) if needed, allow a vessel of any size to register and fish for Pacific cod in the Chignik Area.

(k) If the season is closed and immediately reopened under (d)(4), (e)(2), or (j) 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) If the allocation for mechanical jigging machines and hand troll gear specified in (c) of this section is harvested in any calendar year, the allocation will be increased an additional five percent of the guideline harvest level beginning the next calendar year, 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.

(m) If a state-waters and federal Pacific cod season are open concurrently for the same gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the Chignik Area must be invalidated before that vessel may participate in any other Pacific cod season;

(3) registration for a state-waters season may occur only in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at a department office designated by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may have the vessel's registration invalidated or be registered for state-waters season for Pacific cod in the Chignik Area.

(n) If a state-waters season and federal season for Pacific cod are open concurrently for a different gear type, a vessel may not participate in a state-waters season and any other Pacific cod season at the same time. (Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 5/31/98, Register 146; am 4/15/99, Register 150; am 7/21/99, Register 151; am 8/8/99, Register 151; am 3/17/2001, Register 157; am 5/31/2001, Register 158; am 1/3/2002, Register 161; am 3/31/2002, Register 161; am 3/6/2003, Register 165; am 3/13/2005, Register 173; am 5/1/2011, Register 198; am 4/20/2012, Register 202; am 2/23/2014, Register 209)

South Alaska Peninsula Area

5 AAC 28.550. Description of South Alaska Peninsula Area. The South Alaska Peninsula Area consists of all waters of Alaska in the Pacific Ocean between a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.) and 170° W. long., including those waters south of the latitude of Nichols Point (54° 51.30' N. lat.) near False Pass, and south of a line extending from Unimak Island (54° 23.74' N. lat., 164° 44.73' W. long.) to Akun Island (54° 11.71' N. lat., 165° 23.09' W. long.), and from Akun Island (54° 08.40' N. lat., 165° 38.29' W. long.) to Akutan Island (54° 07.69' N. lat., 165° 39.74' W. long.), and from Akutan Island (54° 02.69' N. lat., 166° 02.93' W. long.) to Unalaska Island (53° 58.97' N. lat., 166° 16.50' W. long.), and from Unalaska Island (53° 18.95' N. lat., 167° 51.06' W. long.) to Umnak Island (53° 23.13' N. lat., 167° 50.50' W. long.), and from Umnak Island (52° 49.24' N. lat., 169° 07.10' W. long.), to Chuginadak Island (52° 49.18' N. lat., 169° 40.47' W. long.) (Eff. 4/4/97, Register 142; am 5/16/2010, Register 194)

5 AAC 28.556. South Alaska Peninsula Area registration. (a) The South Alaska Peninsula Area is an exclusive registration area for Pacific cod during a state waters season described in 5 AAC 28.577.

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(f) Before a vessel registered for the state-waters Pacific cod season in the South Alaska Peninsula Area participates in a groundfish fishery outside of state waters from 170° W. long. to the longitude of Castle Cape at 158° 20' W. long., the vessel operator must invalidate the vessel registration for the state-waters season and remove all gear from, or validly store all gear in, state waters of the South Alaska Peninsula Area. (Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 5/31/2001, Register 158; am 5/15/2004, Register 170; am 5/30/2007, Register 182)

5 AAC 28.571. Groundfish pot storage requirements for South Alaska Peninsula Area. (a) Except as specified in (c) of this section, rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters not more than 25 fathoms deep.

(b) Following the closure of a parallel season or state-waters season for Pacific cod, all groundfish pot gear used by a vessel registered to fish Pacific cod must be removed from the water, except that

(1) rectangular groundfish pots may be stored as described in (a) of this section;

or

(2) rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters more than 25 fathoms deep for seven days following the closure; however, groundfish pots may be stored longer than seven days until the season is opened, if the season opening for the Pacific cod state-waters season is delayed as described in 5 AAC 28.577(l).

(c) During the seven days before the opening of the state-waters season for Pacific cod in the South Alaska Peninsula Area, rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters more than 25 fathoms deep, except that pots may be stored longer than seven days if the season opening is delayed due to weather as described in 5 AAC 28.577(l). (Eff. 4/4/97, Register 142; am 7/5/2000, Register 155; am 5/30/2007, Register 182; am 4/20/2012, Register 202; am 2/23/2014, Register 209)

5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. (a) The management plan in this section 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 during which use of gear allowed in the federal season for Pacific cod in the Western Gulf of Alaska Area is permitted, unless 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, a state-waters season in the South Alaska Peninsula Area for mechanical jigging machine and hand troll gear and for pot gear. For the purposes of this section, when a state-waters season for Pacific cod is opened to mechanical jigging machine and hand troll gear or pot gear, the parallel season for the applicable gear type is closed. During a state-waters season,

(1) mechanical jigging machine and hand troll gear is allocated 15 percent of the annual South Alaska Peninsula Area guideline harvest level; and

(2) pot gear is allocated 85 percent of the annual South Alaska Peninsula Area guideline harvest level.

(d) The seasons for mechanical jigging machine and hand troll gear are as follows:

(1) the state-waters season shall open 48 hours after the closure of the federal Western Gulf of Alaska jig gear "A" season; if the federal "A" season has not closed by March 15, the commissioner may open the state-waters season based on inseason assessment of effort, harvest rate, or remaining federal Pacific cod quota;

(2) the state-waters season for mechanical jigging machine and hand troll gear shall close when the mechanical jigging machine and hand troll gear allocation is taken; if the allocation to the state-waters season for mechanical jigging machine and hand troll gear is not taken by June 8, the commissioner shall close the state-waters season for mechanical jigging machine and hand troll gear on June 8 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(3) the parallel season that coincides with the federal Western Gulf of Alaska jig gear "B" season shall open on June 10 or later based on inseason assessment of effort, harvest rate, or remaining Pacific cod guideline harvest level;

(4) the state-waters season shall reopen 48 hours after the closure of the federal Western Gulf of Alaska jig gear "B" season if the mechanical jigging machine and hand troll gear allocation has not been taken.

(e) The seasons for pot gear are as follows:

(1) the state-waters season shall open 12:00 noon on March 7 or seven days following the closure of the federal Western Gulf of Alaska pot gear "A" season, whichever is later;

(2) the state-waters season for pot gear shall close when the pot gear allocation is taken; if the allocation to the state-waters season for pot gear is not taken by August 28, the commissioner shall close the state-waters season for pot gear on August 28;

(3) the parallel season that coincides with the federal Western Gulf of Alaska pot gear "B" season shall open on September 1.

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal Western Gulf of Alaska pot gear "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 achieved, whichever occurs first.

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

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

(2) maintain sustained yield management; or

(3) provide for orderly fisheries.

(h) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 30 percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area;

(2) 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, 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 not simultaneously be registered to fish with more than one gear type; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in 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) The South Alaska Peninsula Area is an exclusive registration area for Pacific cod during a state-waters season.

(j) If at any time after October 30 the commissioner determines that the guideline harvest level for Pacific cod will not be achieved by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

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

(2) if needed, designation of the South Alaska Peninsula Area as a nonexclusive registration area for Pacific cod;

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

(k) If the season is closed and immediately reopened under (j) 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) 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 (d)(1) and (e)(1) of this section for the current day and night or the following day and night for the state waters between Castle Cape and Cape Sarichef contains a gale warning. 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 or the following day and night contains a gale warning, 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 warning forecast.

(m) 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) If a state-waters and federal Pacific cod season are open concurrently for the same gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the South Alaska Peninsula Area must be invalidated before that vessel may participate in any other Pacific cod season;

(3) registration for a state-waters season may occur only in person or by facsimile from 8:00 a.m. to 5:00 p.m. on a working day at a department office designated by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may have the vessel's registration invalidated or be registered for a state-waters season for Pacific cod in the South Alaska Peninsula Area.

(o) If a state-waters season and federal season for Pacific cod are open concurrently for a different gear type, a vessel may not participate in a state-waters season and any other Pacific cod season at the same time. (Eff. 4/4/97, Register 142; am 11/27/97, Register 144; am 5/31/98, Register 146; am 7/21/99, Register 151; am 5/31/2001, Register 158; am 5/15/2004, Register 170; am 5/30/2007, Register 182; am 5/16/2010, Register 194; am 4/20/2012, Register 202; am 2/23/2014, Register 209)

Bering Sea–Aleutian Islands Area

5 AAC 28.600. Description of Bering Sea-Aleutian Islands Area. The Bering Sea-Aleutian Islands Area consists of all territorial waters of Alaska in the Bering Sea, and in that portion of the North Pacific Ocean adjacent to the Aleutian Islands and west of 170° W. long., including those waters north of the latitude of Nichols Point (54° 51.30' N. lat.) near False Pass, and north of a line extending from Unimak Island (54° 23.74' N. lat., 164° 44.73' W. long.) to Akun Island (54° 11.71' N. lat., 165° 23.09' W. long.), and from Akun Island (54° 08.40' N. lat., 165° 38.29' W. long.) to Akutan Island (54° 07.69' N. lat., 165° 39.74' W. long.), and from Akutan Island (54° 02.69' N. lat., 166° 02.93' W. long.) to Unalaska Island (53° 58.97' N. lat., 166° 16.50' W. long.), and from Unalaska Island (53° 18.95' N. lat., 167° 51.06' W. long.) to Umnak Island (53° 23.13' N. lat., 167° 50.50' W. long.), and from Umnak Island (52° 49.24' N.

lat., 169° 07.10' W. long.), to Chuginadak Island (52° 49.18' N. lat., 169° 40.47' W. long.). (Eff. 7/30/89, Register 111; am 4/4/97, Register 142; am 5/16/2010, Register 194)

5 AAC 28.605. Description of Bering Sea-Aleutian Islands Area districts. (a) Aleutian Islands District: all waters of Alaska in the Bering Sea-Aleutian Islands Area south of the latitude of Cape Sarichef (54° 36' N. lat.).

(b) Bering Sea District: all waters of Alaska in the Bering Sea-Aleutian Islands Area north of the latitude of Cape Sarichef (54° 36' N. lat.). (Eff. 7/30/89, Register 111; am 4/4/97, Register 142; am 5/31/2001, Register 158)

5 AAC 28.606. Bering Sea-Aleutian Islands Area registration. (a) The Bering Sea-Aleutian Islands Area is a nonexclusive registration area for Pacific cod, except that the Dutch Harbor Subdistrict described in 5 AAC 28.648(a) is an exclusive registration area for Pacific cod during a state-waters season.

(b) A vessel that is registered for the Bering Sea-Aleutian Islands Area under 5 AAC 28.020 for a groundfish fishery, other than a state-waters season for Pacific cod described in 5 AAC 28.647 or a sablefish fishery described in 5 AAC 28.640, also shall be considered registered for that fishery in the Kodiak Area described in 5 AAC 28.400, the Chignik Area described in 5 AAC 28.500, the South Alaska Peninsula Area described in 5 AAC 28.550, and the Chukchi-Beaufort Area described in 5 AAC 28.700.

(c) Before a person uses a vessel to operate gear to take blue and black rockfish in the Bering Sea-Aleutian Islands Area, the vessel owner, the owner's authorized agent, or the vessel operator shall validly register the vessel with the department office in Dutch Harbor.

(d) Before a person uses a vessel to operate gear to take sablefish in the Aleutian Islands District, the vessel must be validly registered as described in 5 AAC 28.640. (Eff. 4/4/97, Register 142; am 5/19/2001, Register 158; am 5/31/2001, Register 158; am 4/20/2012, Register 202; am 2/23/2014, Register 209)

5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. (a) This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W. long.

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands District west of 170° W. long., except in the waters between 175° W. long. and 178° W. long., to coincide with the initial federal season in the Bering Sea and Aleutian Islands 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 Bering Sea and Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050.

(c) The commissioner shall open, by emergency order, a state-waters season in the Aleutian Islands District as follows:

(1) the season in the waters between 175° W. long. and 178° W. long. shall open January 1;

(2) in the waters not specified in (1) of this subsection

(A) that are west of 170° W. long., the season shall open four days after the Bering Sea and Aleutian Islands parallel "A" season for the catcher-vessel trawl fishery is closed; or

(B) if the federal catcher-vessel trawl fishery has not closed by March 14, the commissioner will close, by emergency order, the parallel season for the catcher-vessel trawl fishery at 12:00 noon, March 14, and open by emergency order, the state-waters season at 12:00 noon, on March 15;

(3) the commissioner shall close, by emergency order, the state-waters season opened under (1) and (2) of this subsection when the guideline harvest level is taken or on December 31, whichever occurs first; except as otherwise specified in this chapter, all parallel Pacific cod seasons are closed during the state-waters season.

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state-waters 'A' season before June 10 as follows:

(i) if the state-waters 'A' season guideline harvest level has not been taken by April 1, when the federal catcher-vessel trawl fishery "B" season opens, the commissioner will close, by emergency order, the state-waters 'A' season in the waters specified in (c)(2) of this section and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state-waters 'A' season guideline harvest level is available after the federal catcher-vessel trawl fishery "B" season closes, and before June 10, the commissioner may reopen, by emergency order, the state-waters 'A' season in the waters specified in (c)(2) of this section;

(B) a total of 30 percent of the guideline harvest level plus any unharvested amount from the state-waters 'A' season under (1)(A) of this subsection may be rolled over on June 10 and available for harvest in the state-waters 'B' season, except that the state-waters 'B' season guideline harvest level may not exceed 70 percent of the combined state-waters 'A' and 'B' seasons' guideline harvest level; the guideline harvest level will be available as follows:

(i) if the state-waters 'B' season guideline harvest level has not been taken by September 1, when the federal catcher-vessel pot fishery "B" season for vessels over 60 feet in overall length opens, the commissioner will close, by emergency order, the state-waters 'B' season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state-waters 'B' season guideline harvest level is available after the federal catcher-vessel pot fishery "B" season for vessels over 60 feet in overall length closes, the commissioner may reopen, by emergency order, the state-waters 'B' season;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, longline, nonpelagic trawl, and hand troll gear; groundfish pots may be longlined; each end of the groundfish pot longline must have a buoy attached and each buoy must be marked with the permanent ADF&G vessel plate number of the vessel operating the groundfish longlined pot gear and the letters "GFL" to designate the gear as longlined groundfish pot gear; the numbers and letters must be marked on the top one-half of the buoy in numbers and letters that are at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; the buoy markings must be visible on the buoy above the water surface when the buoy is attached to the longlined pot gear; for the purposes of this paragraph, "longlined" means more than one groundfish pot is attached to a stationary, buoyed, and anchored line;

(3) a vessel used to harvest Pacific cod during the

(A) state-waters 'A' season when the

(i) waters specified in (c)(1) of this section are open, with nonpelagic trawl, mechanical jigging machine, or pot gear, may not be more than 60 feet in overall length, except as specified in (ii) of this paragraph; a vessel using longline gear may not be more than 58 feet in overall length;

(ii) combined areas of (c)(1) and (2) are open, with nonpelagic trawl gear may not be more than 100 feet in overall length; a vessel using mechanical jigging machines and longline gear may not be more than 58 feet in overall length; a vessel using pot gear may not be more than 125 feet in overall length;

(B) state-waters 'B' season, from

(i) June 10 through July 31, may not be more than 60 feet in overall length for any gear type;

(ii) August 1 through December 31, may not be more than 125 feet in overall length if operating pot gear and not more than 60 feet in overall length for all other allowable gear types;

(4) a vessel operator may be concurrently registered to harvest Pacific cod with mechanical jigging machines and longline gear, but may not be concurrently registered to harvest Pacific cod with any other gear types;

(5) a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration while unprocessed fish are on board the vessel;

(6) repealed 10/16/2011;

(7) a vessel may harvest up to 150,000 pounds of Pacific cod per day and may not have more than 150,000 pounds of unprocessed Pacific cod on board the vessel at any time; a vessel may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

(8) all Pacific cod taken must be retained; any overage of a limit specified in (7) of this subsection must be immediately reported to the department by the vessel operator; all proceeds from the sale of Pacific cod in excess of a limit specified in (7) of this subsection shall be immediately surrendered to the state.

(e) The Aleutian Islands District is a nonexclusive registration area for Pacific cod during a state-waters season.

(f) The commissioner may, by emergency order, impose bycatch limitations and retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent overharvest of bycatch species, or to facilitate consistency of state and federal regulations for a species.

(g) The following closures apply during a state-waters season:

(1) Seguam foraging area for Steller sea lions as specified in 50 C.F.R. 679.22(a)(8)(i), updated March 9, 2012, as defined in 68 Federal Register 204, January 2, 2003;

(2) groundfish closures within three nautical miles of Steller sea lion sites of the Aleutian Islands District west of 170° W. long. as specified in 50 C.F.R. 679.22(a)(8)(iii), updated March 9, 2012, found in Table 12 of 50 C.F.R. 679, as defined in 75 Federal Register 81921, December 29, 2010;

(3) all Steller sea lion protection measures for Pacific cod found in Table 5 of 50 C.F.R. 679, as defined in 69 Federal Register 75865, December 20, 2004;

(4) all habitat closures specified in 5 AAC 39.167 that are located in the Aleutian Islands District west of 170° W. long.

(h) If a state-waters season and federal season for Pacific cod are open concurrently for the same gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) before entering or exiting a state-waters fishery, a vessel operator must

(A) check in and check out by contacting a local representative of the department in person, or by telephone, facsimile transmission, electronic mail, or radio; and

(B) deliver all unprocessed Pacific cod on board the vessel;

(3) the commissioner may close, by emergency order, the state-waters season and immediately reopen a state-waters season during which there are modified landing requirements and check-in and check-out requirements based on effort, harvest rate, or remaining quota.

(i) The board intends that a vessel operator generally harvest less than the vessel's allowable harvest limit, possess less than the vessel's allowable possession limit, and limit the vessel's fishing activities if there is a possibility of exceeding those limits. A vessel operator of a vessel harvesting more than an allowable harvest limit or that is in possession of more than the allowable possession limit is considered to have engaged in improper operation of gear. Nothing in this section is intended to preclude or discourage additional enforcement action under AS 16.05.722, AS 16.05.723, or any other applicable law for any violation of this section.

(j) For the purposes of this section,

(1) "state-waters 'A' season" means the state-waters season conducted from January 1 through June 9;

(2) "state-waters 'B' season" means the state-waters season conducted from June 10 through December 31. (Eff. 2/27/2006, Register 177; am 5/10/2006, Register 178; am 12/24/2006, Register 180; am 4/24/2009, Register 190; am 5/16/2010, Register 194; am 5/1/2011, Register 198; am 6/17/2011, Register 198; am 6/25/2011, Register 198; am 10/16/2011, Register 200; am 4/20/2012, Register 202; am 2/23/2014, Register 209)

5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan. (a) This management plan governs the harvest of Pacific cod in the Dutch Harbor Subdistrict. For the purposes of this section, the Dutch Harbor Subdistrict is comprised of the state waters in the Aleutian Islands District east of 167° W. long. and the state waters of the Bering Sea District that are west of 164° W. long., east of 167° W. long., and south of 55° 30' N. lat.

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

(c) Each year the commissioner shall open and close by emergency order, a state-waters season in the Dutch Harbor Subdistrict for pot gear. For the purposes of this section, when a state-waters season for Pacific cod is open, the parallel season is closed for pot gear by vessels that are 58 feet or less in overall length. The commissioner shall close the state-waters season by emergency order when the guideline harvest level is achieved or December 31, whichever occurs first.

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

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Dutch Harbor Subdistrict is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area;

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

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

(B) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish;

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

(D) during the seven days immediately following the opening of the state-waters season, an operator of a vessel registered to fish for Pacific cod may store or transport groundfish pots in excess of the pot limit established in (A) of this paragraph if the pots are

(i) stored in waters not more than 25 fathoms deep as specified in 5 AAC 28.632; or

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

(f) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this section if the commissioner determines it is necessary to

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

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

(h) If at any time after October 1 the commissioner determines that the guideline harvest level for Pacific cod will not be achieved by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state-waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

(1) removal of the limits on the number of pots that may be operated from a vessel;

(2) if needed, designation of the Dutch Harbor Subdistrict as a nonexclusive registration area for Pacific cod;

(3) if needed, allow a vessel of any size to register and fish for Pacific cod in the Dutch Harbor Subdistrict;

(4) if the season is closed and immediately reopened under this subsection, a vessel participating in the state-waters season when it was closed will not be required to comply with landing requirements until the season is closed again.

(i) If the season is closed and immediately reopened under (f) of this section, a vessel operator participating in the state-waters season when it was closed may not have Pacific cod on board the vessel after 48 hours after the closure, unless the vessel has been delayed due to extraordinary circumstances beyond the control of the vessel operator, and the vessel operator has contacted a local representative of the department not later than 48 hours following the closure of the season and the representative has granted a reasonable amount of time for the vessel to reach the port of delivery or processing location. Any amount of additional time shall be determined under the assumption that the vessel departed the fishing grounds immediately after the closure and proceeded directly to the port of delivery or processing location.

(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 telephone, electronic mail, or radio

(1) the number of pot lifts from the vessel in the previous 24-hour reporting period;

(2) the number of pounds of Pacific cod retained on the vessel during the previous 24-hour period; and

(3) any other information that the commissioner determines is necessary for the management and conservation of the fishery.

(k) If a state-waters season and federal season for Pacific cod are open concurrently for a different gear type,

(1) a vessel may not participate in a state-waters season and any other Pacific cod season at the same time;

(2) a vessel's registration for the state-waters season in the Dutch Harbor Subdistrict must be invalidated before that vessel may participate in any other Pacific cod season;

(3) registration for a state-waters season may occur only in person, or by facsimile transmission or electronic mail, from 8:00 a.m. to 5:00 p.m. on a working day at a department office designated by the department; and

(4) all groundfish on board a vessel must be landed before that vessel may have the vessel's registration invalidated or be registered for a state-waters season for Pacific cod outside the Dutch Harbor Subdistrict.

(l) The federal fishery management measures for the protection of Steller sea lions are imposed as specified in Table 5 and Table 12 to 50 C.F.R., Part 679, revised as of January 1, 2011, as defined in 75 Federal Register 81921, December 29, 2010. (Eff. 2/23/2014, Register 209)

5 AAC 28.690. Vessel length restrictions for the Bering Sea-Aleutian Islands Area.

(a) A person may not use a vessel that is longer than 60 feet in overall length to take rockfish in the waters of Sitkin Sound and the surrounding area enclosed by lines from Cape Adagdak northeast to Swallow Head to Teapot Rock southeast to a point on the northwesternmost tip of Tagalak Island, and then from the southernmost tip of Tagalak Island to the southernmost tip of Umak Island, and then from the southernmost tip of Umak Island south southwest to Cape Azimas, and then from Cape Azimas west southwest to the southernmost tip of Kagalaska Island, and then from the southernmost tip of Kagalaska Island to Boot Point on Adak Island, and then from Boot Point southwest to Cape Kagigkak, to 51° 53' N. lat., 176° 45.75' W. long., south to Careful Point.

(b) Repealed 10/16/2011.

(c) In the Bering Sea-Aleutian Islands Area, a vessel participating in a parallel season for Pacific cod with longline gear may not be more than 58 feet in overall length.

(d) In this section, "overall length" means the straight line length between extremities of the vessel, excluding anchor rollers. (Eff. 7/5/2000, Register 155; am 5/31/2009, Register 190; am 10/16/2011, Register 200)