

**PROPOSAL 41**

**5 AAC 28.360. Cook Inlet Sablefish Management Plan.**

Clarify possession and landing requirements for the state-managed sablefish fishery in the Cook Inlet Area, as follows:

5 AAC 28.360 is amended to read:

...

**(x) In accordance with 5 AAC 28.070 (c), a vessel retaining sablefish in federal waters may not fish in state waters of the Cook Inlet Area on the same trip.**

**What is the issue you would like the board to address and why?** This proposal seeks to clarify possession and landing requirements of sablefish in the Cook Inlet Area. In state waters of the Cook Inlet Area, sablefish may only be retained during an open directed sablefish season (opens July 15) on board a vessel that is registered to participate in the state-managed Cook Inlet sablefish fishery (5 AAC 28.360 (a)). Retaining sablefish as bycatch is not allowed and the fishery is managed to a guideline harvest level (GHL). As provided in 5 AAC 28.070 (c)(2), a CFEC permit holder, while taking fish in an area or having taken fish in an area during the same trip, may not have on board an aggregate amount of a groundfish species that exceeds the amount allowed by regulation for that area, regardless of where the groundfish were taken. Therefore, a vessel may not fish in both federal and state waters on the same trip when retaining sablefish at any point during that trip, regardless of fishing order. The issue is when vessels participating concurrently in federally managed Individual Fishing Quota (IFQ) halibut and IFQ sablefish fisheries in federal waters also fish inside state waters during that trip and either sablefish are harvested out of season, vessels participate inside state waters without being registered, or harvest location of sablefish is misreported. During an IFQ halibut trip, vessels may cross the 3 nmi state waters boundary line, and fish both state waters and federal waters; however, vessels retaining sablefish in federal waters may not also fish inside state waters on that trip. Even when sablefish harvest did not occur inside state waters, this has been an enforcement issue and also a management issue as vessel operators often report all harvest by splitting it between the statistical areas (state and federal waters) without specifying the location where sablefish were taken (e.g. federal waters). In addition to violating 5 AAC 28.070 (c)(2), inaccurate reporting on fish tickets violates 5 AAC 39.130 (c)(8) and indicates that sablefish harvested in federal waters were retained illegally in state waters. Adding the proposed regulatory language under the Cook Inlet Sablefish Management Plan would provide clarity and reduce confusion for the public and department staff and also aid enforcement.

**PROPOSED BY:** Alaska Department of Fish and Game.

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