

**Submitted by Board Member John Jensen prepared by the Alaska Department of Fish and Game<sup>i</sup>.**

October 28, 2022

Substitute language for proposal 2:

**5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan**

...

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

(1) the Adak Section shall open January 1;

(2) all waters of the Aleutian Islands Subdistrict shall open as follows:

(A) for nonpelagic trawl gear, pot gear, longline gear, hand troll gear, and mechanical jigging machines **February 1 Alaska Time or** four days after the bering sea and aleutian islands parallel "a" season for the catcher-vessel greater than or equal to 60 feet in overall length pot gear fishery is closed, **which ever occurs first**;

(B) [FOR VESSELS OVER 60 FEET IN OVERALL LENGTH USING NONPELAGIC TRAWL GEAR AND VESSELS OVER 100 FEET IN OVERALL LENGTH USING POTGEAR, AT 12:00 NOON ON MARCH 15;] **the fishing season for vessels longer than 60 feet in overall length fishing with pot gear will close when 25 percent of the guideline harvest level has been taken by those vessels or December 31, whichever occurs first; the restrictions under this paragraph do not apply to a season reopened under (d) of this section.**

(C) except as otherwise specified in this chapter, when a state-waters season is open, the parallel season for the applicable gear type and vessel length is closed.

(3) repealed 2/28/2020.

(d) During a state-waters season,

(1) the 2019 guideline harvest level for Pacific cod in the Aleutian Islands Subdistrict is 31 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea;

(A) if the guideline harvest level established under this paragraph is achieved in a calendar year, the guideline harvest level will increase by 4 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea

beginning the next calendar year, but may not exceed 39 percent of the estimated total allowable harvest or 15 million pounds;

(B) if the guideline harvest level established under this paragraph is not achieved during two consecutive calendar years, the guideline harvest level will be reduced by 4 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year, but may not be reduced below 15 percent of the estimated total allowable harvest;

(C) a guideline harvest level is considered to have been achieved under this subsection if, by November 15, 90 percent of that guideline harvest level is projected to be harvested by the end of that calendar year;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, longline, nonpelagic trawl, and hand troll gear; [GROUND FISH POTS MAY BE LONG LINED; EACH END OF THE GROUND FISH POT LONG LINE MUST HAVE A BUOY ATTACHED AND EACH BUOY MUST BE MARKED WITH THE PERMANENT ADF&G VESSEL PLATE NUMBER OF THE VESSEL OPERATING THE GROUND FISH LONG LINED POT GEAR AND THE LETTERS "GFL" TO DESIGNATE THE GEAR AS LONG LINED GROUND FISH 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 LONG LINED POT GEAR; FOR THE PURPOSES OF THIS PARAGRAPH, "LONG LINED" MEANS MORE THAN ONE GROUND FISH POT IS ATTACHED TO A STATIONARY, BUOYED, AND ANCHORED LINE;]

(3) a vessel used to harvest Pacific cod **in the Aleutian Islands Subdistrict** **with** [WHEN]

(A) [ONLY THE ADAK SECTION IS OPEN UNDER (C)(1) OF THIS SECTION, WITH] longline gear, may not be more than 58 feet in overall length;

**(B)** nonpelagic trawl gear, mechanical jigging machines[, OR POT GEAR,] may not be more than 60 feet in overall length;

**(C) pot gear may not be more than 100 feet in overall length;**

[(B) ALL WATERS OF THE ALEUTIAN ISLANDS SUBDISTRICT ARE OPEN UNDER (C)(2) OF THIS SECTION, WITH

(i) MECHANICAL JIGGING MACHINES, MAY NOT BE MORE THAN 60 FEET IN OVERALL LENGTH;

(ii) LONGLINE GEAR, MAY NOT BE MORE THAN 58 FEET IN OVERALL LENGTH;

(iii) NONPELAGIC TRAWL GEAR, MAY NOT BE MORE THAN 60 FEET IN OVERALL LENGTH PRIOR TO 12:00 NOON ON MARCH 15, AND MAY NOT BE MORE THAN 100 FEET IN OVERALL LENGTH AFTER 12:00 NOON ON MARCH 15;

(iv) POT GEAR, MAY NOT BE MORE THAN 100 FEET IN OVERALL LENGTH PRIOR TO 12:00 NOON ON MARCH 15 AND MAY NOT BE MORE THAN 125 FEET IN OVERALL LENGTH AFTER 12:00 NOON ON MARCH 15];

(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) 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; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

(7) all Pacific cod taken must be retained; any overage of a limit specified in (6) 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 (6) of this subsection shall be immediately surrendered to the state.

...

(f) The Aleutian Islands Subdistrict is an exclusive registration area for Pacific cod during a state-waters season. [IF AT ANY TIME AFTER CLOSURE OF THE DUTCH HARBOR SUBDISTRICT STATE-WATERS PACIFIC COD SEASON FOR POT GEAR AS DESCRIBED IN 5 AAC 28.648], 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 ALEUTIAN ISLANDS SUBDISTRICT IS DESIGNATED AS A NONEXCLUSIVE REGISTRATION AREA FOR PACIFIC COD.]

...

**(k) If at any time after March 15, 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 may be implemented to increase the harvest rate in an attempt to reach the GHL;**

**(1) removal of the 150,000 daily harvest limit;**

**(2) designate as a nonexclusive registration area;**

**(3) remove the 25 percent harvest limit for pot gear vessels greater than 60 feet in overall length;**

**(4) allow nonpelagic trawl gear up to 100 feet in overall length;**

**(5) allow pot gear vessels up to 125 feet in overall length;**

**(6) 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.**

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<sup>i</sup> Preparation of draft substitute language at the request of a Board member does not imply ADF&G support. The Department will state its position on the language during deliberation.