

ACDC supports a modified Proposal 2, which:

- 1 - Limits pot and trawl vessels over 60 feet from participating in the AIS cod fishery.
- 2 - Prohibits the use of longline pots in the AIS cod fishery.
- 3- Provides the commissioner discretion to allow larger vessels and/or trip limits after March 15th if it appears the GHL will not be fully harvested.

The regulatory language to implement the modified proposal 2 are highlighted below, with strike outs and bolded text where changes are needed.

5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan

(a) This management plan governs the harvest of Pacific cod in the Aleutian Islands Subdistrict, including the Adak Section. For the purposes of this section, the

(1) Aleutian Islands Subdistrict is comprised of the state waters in the Aleutian Islands District west of 170_ W. long.; and

(2) Adak Section is comprised of the state waters of the Aleutian Islands Subdistrict between 175_ W. long. and 178_ W. long.

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands Subdistrict, except the Adak Section, 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 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 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;

~~(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;~~

~~(C)~~(B) 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(3) repealed 2/28/2020.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; groundfish pots may **NOT** 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 when

(A) only the Adak Section is open under (c)(1) of this section, with

(i) longline gear, may not be more than 58 feet in overall length;

(ii) nonpelagic trawl gear, mechanical jigging machines, or pot gear, may not be more than 60 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~~ **60** 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.

(e) 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 federal seasons;

(2) provide for maximum fishing opportunity;

(3) maintain sustained yield management; or

(4) provide for orderly fisheries.

(f) The Aleutian Islands Subdistrict is an exclusive registration area for Pacific cod during a state-waters season. If at any time after **March 15th** ~~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; **the following measures may be in the order of priority listed below, to increase the harvest rate in an attempt to reach the guideline harvest level:**

(1) if needed, remove 150,000 trip limit

(2) if needed, allow 60 ft to 100 ft pot gear and non pelagic trawl gear vessels

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

(The remainder of AI Subdistrict Area management plan remains unchanged.)

(g) 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.

(h) 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 - 81941, 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 79 Federal Register 70286 - 70338, November 25, 2014, except that the 10 nautical mile closure around the Steller sea lion site at Kanaga Island/Ship Rock at 51° 46.70' N. lat., 177° 20.72' W. long. shall be closed to the taking of Pacific cod only within three nautical miles;

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

(i) 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.

(j) 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.