

REPRINT OF STAFF COMMENTS AND COMMITTEE REPORT C  
ON GROUND FISH PROPOSALS DEFERRED FROM THE JANUARY TO MARCH 2000,  
BOARD OF FISHERIES MEETINGS



by

Region I Staff

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## **FOREWORD**

This document is a partial reprint of Staff Comments and the Committee C report prepared for the Board of Fisheries Meeting held in Juneau, January 15-24, 2000. Included in this document are comments on the groundfish proposals deferred to the March, 2000 meeting. The original staff comments document was RC #35 at the January meeting, and the full Regional Information Report with all staff comments was numbered 1J99-45. The full report from Committee C at the January meeting was RC #116.

**SECTION I: REPRINTS FROM "STAFF COMMENTS"**  
**BOF REPORT, JANUARY AND MARCH 2000 MEETINGS**

**PROPOSAL 129. PAGE 132. 5 AAC 28.1XX AND 5 AAC 47.XXX YAKUTAT AREA HALIBUT MANAGEMENT PLAN.**

**WHAT WOULD THIS PROPOSAL DO?** This proposal attempts to create a local area management plan for halibut in the Yakutat area.

**WHAT ARE THE CURRENT REGULATIONS?** Halibut are managed by the International Pacific Halibut Commission (IPHC) and the North Pacific Management Council (NPFMC). Current regulations allow sport anglers 2 halibut of any size per day and 4 in possession using a rod and reel or hand held line with no more than two hooks attached, from February 1 - December 31 [5 AAC 47.020]. In the Yakutat area, subsistence and personal use anglers are allowed two halibut of any size per person, per day, using a hand held line with no more than two hooks attached [5 AAC 01.670(b), 5 AAC 01.695 (a) and 5 AAC 77.624].

There is no Local Area Management Plan currently in place for the Yakutat area.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL(S) IS ADOPTED?** None. The state lacks regulatory authority for halibut.

**BACKGROUND:** In February 1998 the Alaska Board of Fisheries (board) and the North Pacific Fishery Management Council (Council) adopted a joint protocol to guide the successful development, processing, and implementation of Local Area Management Plans (LAMPs). Though the protocol covers development of LAMPS for all species of interest in a local area, the Council's main purview will be over halibut and those species covered by one of the Council's fishery management plans.

**DEPARTMENT COMMENTS:** The department is neutral on this proposal but does support the LAMP process.

- The Sitka Fish and Game Advisory Committee developed a local area management plan for halibut in Sitka Sound and was able to get this plan implemented through the federal regulatory process with support from the Board of Fisheries.
- An approach similar to that used by the Sitka Advisory Committee is suggested for the Yakutat Advisory Committee.

**COST STATEMENT:** The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

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**PROPOSAL 186. PAGE 125. 5 AAC 75.012. SPORT SHARK FISHERY MANAGEMENT PLAN.**

**WHAT WOULD THE PROPOSAL DO?** Rescind the daily sport bag and possession limit on spiny dogfish in the Yakutat area.

**WHAT ARE THE CURRENT REGULATIONS?** One spiny dogfish per day, two per season. A harvest record is required and must be in the possession of each angler fishing for sharks in the Southeast Alaska area.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** If adopted, the effect would probably be to reduce the perception that there is a shortage of dogfish in the Yakutat area.

**DEPARTMENT COMMENTS:** The department opposes this proposal. There may be a harvestable surplus of spiny dogfish in the Yakutat area warranting suspension of the annual limit. The department has no spiny dogfish stock assessment and therefore no recommendation for what a sustainable harvest is. Proposal 196 proposes assessment of the spiny dogfish population in the Yakutat area and the development of a commercial fishery. We suggest that the BOF consider these proposals together.

**COST STATEMENT:** The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

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**PROPOSAL 192. PAGE 129-130. 5 AAC 28.130. LAWFUL GEAR FOR EASTERN GULF OF ALASKA AREA.**

ASSOCIATED PROPOSAL: 202, page 135.

**WHAT WOULD THIS PROPOSAL DO?** This proposal would prohibit the use of bottom longline gear in directed fisheries for black and pelagic shelf rockfish.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 28.130 LAWFUL GEAR FOR EASTERN GULF OF ALASKA AREA (d) In the Southeast District, rockfish may be taken only by longline, dinglebar troll gear, hand troll gear, and mechanical jigging machines.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL(S) IS ADOPTED?** This would prevent the development of a longline fishery for black or pelagic shelf rockfish. Some fishers are using longline gear to target mixed species of rockfish in NSEI and this would limit them to a bycatch of pelagic and black rockfish.

**BACKGROUND:**

- Black and pelagic shelf rockfishes are pelagic in nature and form schools near reefs and outcrops.
- Although blacks and pelagic rockfish are taken as bycatch in the longline fishery for DSR, it is not possible to target these species with bottom longline gear without incurring significant bycatch of DSR, for which the TAC is already fully allocated between directed fishery quotas and bycatch. Fishers may use bottom longline gear to catch black rockfish during the closed season for DSR. This would result in high bycatch of DSR, which is unnecessary given alternative harvest methods.

**DEPARTMENT COMMENTS:** The department authored and supports this proposal.

**COST STATEMENT:** The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

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**PROPOSAL 195. PAGE 131. 5 AAC 28.XXX ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR THE EASTERN GULF OF ALASKA AREA.**

**WHAT WOULD THIS PROPOSAL DO?** This proposal would require full retention of all *Sebastes* rockfish caught during the course of fishing operations but would only allow sale of bycatch up to the allowable bycatch or directed fishery level. Rockfish in excess of this amount would be forfeited to the State of Alaska.

**WHAT ARE THE CURRENT REGULATIONS?**

- Bycatch of rockfish is prohibited except by emergency order, which may allow up to 20% bycatch as percent by weight of targeted species (5 AAC 28.070).
- When directed fishing is closed, or when fishing with trawls, all rockfish captured are bycatch. There is no requirement to land rockfish in excess of bycatch limits.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL(S) IS ADOPTED?**

- Fishers would deliver fish to the processor that they would normally discard. Weights of these fish will be recorded and the product listed as forfeited on the regular delivery fish ticket. Proceeds from the overage will be deposited in a department account and the funds will be used to help manage rockfish fisheries.
- Information gathered on bycatch harvests as a result of this regulation may result in redefinition of appropriate bycatch rates. If mortality is greater than current estimates it is possible that the directed fishery would be reduced. Conversely, if mortality is lower than current estimates the directed fishery would benefit.

**BACKGROUND:**

- *Sebastes* rockfish are dead when brought to the surface on fishing gear.
- Bycatch limits are set by emergency order and are less than 20% of the directed species round weight to prevent “topping off,” that is, directed sets on valuable bycatch species like shortraker/rougheye rockfish.
- There are no requirements to land rockfish in excess of bycatch limits.

**DEPARTMENT COMMENTS:**

- The department authored and supports this proposal.
- This proposal is similar to number 188, but applies to all *Sebastes* rockfish.
- In order to manage these fisheries correctly, the department needs to have an accurate accounting of total mortality by area. Logbook data does not adequately account for bycatch mortality by species.
- Requiring fishers to retain all rockfish caught, but only sell up to the traditional bycatch levels, will allow a full accounting of mortality, reduce wastage which occurs when dead fish are discarded at sea, and discourage topping off.

**COST STATEMENT:** Approval of this proposal may result in an additional unknown direct cost for a private person to participate in this fishery. This cost will be associated with handling and transporting excess rockfish. This cost will be minimal for “clean” fishing operations.

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**PROPOSAL 196. PAGE 131. 5 AAC 30.XXX. SPINY DOGFISH HARVEST STRATEGY IN REGISTRATION AREA D.**

**WHAT WOULD THE PROPOSAL DO?** This proposal would establish a commercial fishery for spiny dogfish with season dates, gear, and harvest strategies.

**WHAT ARE THE CURRENT REGULATIONS?** There is no open season for directed commercial fishing for sharks, including spiny dogfish. A statewide regulation (5 AAC 28.084) specifies no open season except that sharks may be retained as bycatch.

**WHAT WOULD BE THE EFFECT IF THESE PROPOSALS WERE ADOPTED?** Directed shark fishing would be allowed in the Yakutat Area.

**BACKGROUND:** In February of 1998, the Alaska Board of Fisheries took regulatory actions closing the directed commercial fishery for sharks, though allowing the bycatch of sharks to continue consistent with general state regulations for the incidental take of fishery resources. The board took these actions to ensure these resources were not over-exploited by new fisheries prior to the development of conservation based management plans. In taking these actions, the board recognized the interchange of sharks between state and federal waters of the Exclusive Economic Zone and the importance of cooperative state and federal conservation efforts. In the spring of 1999 the Alaska Department of Fish and Game, at the request of the board, asked the North Pacific Council for complementary regulations for sharks.

The spiny dogfish is the world's most abundant shark and is the predominant shark species in Alaska. The spiny dogfish often has a negative impact on commercial fisheries as it displaces or chases off other fishes, gets hooked or netted in gear intended for other species, damages fishing gear, and often destroys hooked and netted fishes. Spiny dogfish sharks are commonly taken by commercial fishing gear and are particularly well represented in Alaska's pelagic trawl pollock fishery and in the longline fisheries for sablefish, halibut, Greenland turbot, and Pacific cod. Spiny dogfish are known to be late maturing and long-lived with a low reproductive rate. These characteristics make them susceptible to overharvest and slow to rebuild. The department does not collect stock status information on spiny dogfish in the Yakutat area.

**DEPARTMENT COMMENTS:**

- The department opposes this proposal. The department does not support establishing a spiny dogfish fishery before:
  - 1) development of a conservation based management plan,
  - 2) development of a plan to conduct stock assessment and other needed research,
  - 3) funds are secured for research and management, and
  - 4) action is taken by the North Pacific Management Council for management of sharks in the EEZ.
- Spiny dogfish taken as bycatch in other fisheries in Southeast Alaska are currently discarded due to the lack of markets for this fish. European markets prefer large dogfish.

**COST STATEMENT:** The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

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**PROPOSALS 197 AND 198. PAGES 132-133. 5 AAC 28.XXX. YAKUTAT AREA (REGISTRATION AREA X).**

**WHAT WOULD THESE PROPOSALS DO?** Based on the problem statements, these proposals appear directed at the halibut boundary issue (not groundfish in general) and attempt to create a new halibut management area for Yakutat, with boundaries to be set by the board.

**WHAT ARE THE CURRENT REGULATIONS?** The state does not have commercial or sport halibut boundary regulations for the Yakutat area. The International Pacific Halibut Commission (IPHC) sets boundaries, quotas, and seasons for halibut.

Regulations for the state groundfish boundary (5 AAC 28.100 and 5 AAC 28.200) are addressed in comments for proposal 199.

**WHAT WOULD BE THE EFFECT IF THESE PROPOSALS WERE ADOPTED?** Because the state does not have authority to act alone on halibut boundary issues, the board can make no boundary changes.

**BACKGROUND:** Establishment of a joint process for the board and the North Pacific Management Council (NPFMC) to address common issues and recent success in implementing a Local Area Management Plan for Sitka have paved the way for addressing local management issues for halibut and groundfish. However, the halibut boundary issue is outside of the board and NPFMC authority.

**DEPARTMENT COMMENTS:**

- The board has the authority to change the management area definition for groundfish fisheries other than halibut. Groundfish boundary issues are addressed in comments on proposal 199.
- Creation of a new groundfish management area will not solve problems with distribution of halibut catch as the IPHC recognizes 2C and 3A as their management areas regardless of state management areas.
- A Local Area Management Plan for halibut in the Yakutat area is addressed in proposal 129.

**COST STATEMENT:** The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

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**PROPOSAL 200. PAGE 134. 5 AAC 28.XXX. SKATE FISHING SEASON FOR EASTERN GULF OF ALASKA AREA.**

**WHAT WOULD THE PROPOSAL DO?** This proposal would create a commercial fishing season for skates similar to the IFQ longline season (March 15-November 15).

**WHAT ARE THE CURRENT REGULATIONS?** A statewide regulation (5 AAC 28.083) requires a permit issued by the commissioner to harvest skates and rays upon which may be specified season dates, area of fishing, and conditions necessary for conservation and management purposes.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** The season for skates would be set in regulation, and a commissioner's permit would still be required upon which area, gear, logbook requirement, and harvest level could be specified.

**BACKGROUND:** No directed skate fishing has occurred in PWS to include West Yakutat. A permit has been required since 1998.

**DEPARTMENT COMMENTS:** The department opposes this proposal and does not intend to issue any permits before:

- 1) development of a conservation based management plan,
- 2) development of a plan to conduct stock assessment and other needed research, and
- 3) funds are secured for research and management.

**COST STATEMENT:** The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

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**PROPOSAL 202. PAGE 135. 5 AAC 28.130. LAWFUL GEAR FOR EASTERN GULF OF ALASKA AREA. 5 AAC 39.105. TYPES OF LEGAL GEAR.**

ASSOCIATED PROPOSAL: 192, page 129.

**WHAT WOULD THIS PROPOSAL DO?** This proposal would define pelagic longline gear distinct from bottom longline gear and allow the use of pelagic longline gear in directed fisheries for black and pelagic shelf rockfishes.

**WHAT ARE THE CURRENT REGULATIONS?** 5 AAC 28.130 LAWFUL GEAR FOR EASTERN GULF OF ALASKA AREA (d) In the Southeast District, rockfish may be taken only by longline, dinglebar troll gear, hand troll gear, and mechanical jigging machines.

5 AAC 39.105 TYPES OF LEGAL GEAR (13) a longline is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL(S) IS ADOPTED?** This would create different gear definitions for pelagic and bottom longlines and would allow development of fisheries for pelagic shelf rockfish and black rockfish using pelagic longline gear.

**BACKGROUND:** Current regulations allow rockfish to be taken in a directed fishery by longline gear. The department’s proposal (192) calls for prohibiting the use of longline gear for directed fishing for black and pelagic rockfishes.

**DEPARTMENT COMMENTS:**

- This proposal attempts to address the conservation and bycatch concerns while allowing for the use of an effective gear type for pelagic species; however, the department does not support this proposal as written because the distinction between bottom and pelagic longline gear, as proposed, does not clearly differentiate the two gear types. Specifically, the proposal definition for anchoring pelagic longline gear at one or more points is essentially the same as for bottom gear, and “off bottom” does not specify distance off bottom, such that gear could be defined as pelagic while fishing so close to the bottom as to be effectively bottom gear.
- There may be enforcement concerns if the two types of gear are not clearly differentiated.
- The Alaska Longline Fisherman’s Association submitted this proposal to allow the use of pelagic longlines when directed fishing for these species. They then would support the prohibition against fishing for pelagic species with bottom longlines.
- The definition for longline gear is in the statewide regulations. A separate definition for pelagic and longline gear might be limited to southeast regulations, similar to the distinct definition for dinglebar gear in Region 1.

**COST STATEMENT:** The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

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**SECTION II: REPRINTS FROM THE "COMMITTEE C REPORT"**

**BOF REPORT, JANUARY 2000 MEETING**

Proposal 129- ***5 AAC 28.IXX AND 5 AAC 47.XXX YAKUTAT AREA HALIBUT MANAGEMENT PLAN.*** Creates a local use area management plan for halibut and groundfish in the Yakutat area.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: RC 71

Public Comments:

Narrative of Pros and Cons: Although the department does not have authority to manage halibut, they do support the Local Area Management Plan (LAMP) process. The Yakutat Advisory Committee representative discussed developing a plan with the charter boat operators to limit the area guided sport fishermen can fish for halibut on the reef at the entrance of Yakutat Bay. A committee member reviewed the history of the halibut LAMP protocol and emphasized that the Board was deferring halibut LAMP action until the Council takes further action on allocations in February.

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***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

- none

Board Committee Recommendation

- Defer action to March meeting.

Regulatory or Substitute Language:

Proposal 186- **5 AAC 75.012. SPORT SHARK FISHERY MANAGEMENT PLAN.** Rescinds the daily sport bag and possession limit on spiny dogfish in the Yakutat area.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 8, AC 9, RC 9, RC 14, RC 31, RC 71

Public Comments: RC 42

Narrative of Pros and Cons: All three of the dogfish proposals (186, 196, 205) were discussed in concert. There was a discussion of the life history characteristics of dogfish and the lack of stock assessment information. Further there was considerable discussion regarding the poor track record for sustainable shark fisheries worldwide. Panel members related anecdotal information suggesting increased abundance of dogfish or at least a shift in the distribution of fish. There was strong public support expressed for increasing the daily bag limit and rescinding the annual bag limit for dogfish sharks.

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***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

- Support some increase in bag limits but defer decision on number to staff.

Board Committee Recommendation:

- Opposed an increase in daily bag limits.

Regulatory or Substitute Language:

Proposal 192- **5 AAC 28. LAWFUL GEAR FOR EASTERN GULF OF ALASKA AREA.** Prohibits the use of longline gear in directed fisheries for black and pelagic shelf rockfish.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 1, AC 4, AC 8, AC 7, RC 9, RC 14, RC 31

Public Comments: PC 21, RC 42

Narrative of Pros and Cons: Staff stated that the high bycatch of DSR when using longline gear to fish for black rockfish and pelagic rockfish was a problem. Interest in fishing for black rockfish may increase because a fisherman can now target this species without being qualified under the federal License Limitation Program. The panel members supported this proposal to prohibit bottom longline gear and noted that black and pelagic rockfish can be taken as bycatch in other fisheries. This proposal was discussed with proposal 202 that creates a new pelagic longline gear.

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***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

- Unanimous support for prohibition of bottom longline gear for these species.

Board Committee Recommendation:

- Defer action until March 2000 and discuss along with proposal 202.

Regulatory or Substitute Language:

Proposal 195- **5 AAC 28.XXX. ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR THE EASTERN GULF OF ALASKA AREA.** Requires full retention of all rockfish caught in state-managed fisheries. This proposal requires amounts in excess of bycatch limits be forfeited to the State. This proposal is similar to Proposal #188 that requires full retention of all demersal shelf rockfish (DSR) in state-managed fisheries.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 1, AC7, AC 8, AC 4, RC 9, RC 14, RC 31

Public Comments: PC 20, RC 42

Narrative of Pros and Cons: The discussion was similar to that for proposal 199. There was considerable discussion regarding the need for full accounting of rockfish mortality. There was also considerable discussion on the burden this regulation may place on the fleet and processors. This was considered more of a problem than with DSR, given that many of these species are low value. Some public felt that this would be a good opportunity to develop markets for these fishes. There was no consensus on this issue

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### ***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

No consensus.

Board Committee Recommendation:

Recommended support of this proposal.

Approve substitute language and defer until March.

Proposal 195

Substitute Amended Language:

### **5 AAC 28.171. ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR THE EASTERN GULF OF ALASKA AREA.**

(f) In the Southeast District, a CFEC permit holder must retain, weigh, and report all rockfish caught. All rockfish in excess of allowable bycatch limits shall be reported as harvest code 18, on the ADF&G fish ticket documenting the landing. All proceeds from the sale of excess rockfish bycatch shall be forfeited to the State of Alaska.

Proposal 196- **5 AAC 30.XXX. SPINY DOGFISH HARVEST STRATEGY IN REGISTRATION AREA D.** Establishes a directed commercial fishery for spiny dogfish to develop harvest strategies. This proposal requires this data to be used to determine GHGs, estimate exploitable biomass, recruitment, and reproductive potential, determine the threshold level of abundance as well as establish an acceptable biological catch for spiny dogfish.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 1, AC 8, AC 9, RC 9, RC 14, RC 31, RC 71

Public Comments: RC 42

Narrative of Pros and Cons: All three of the dogfish proposals (186, 196, 205) were discussed in concert. There was a discussion of the life history characteristics of dogfish and the lack of stock assessment information. Further there was considerable discussion regarding the poor track record for sustainable shark fisheries worldwide. Concerns were expressed regarding the bycatch of high value species that might occur in a directed fishery for sharks. Panel members related anecdotal information suggesting increased abundance of dogfish or at least a shift in the distribution of fish. There was discussion that the dogfish population is at very high levels in the Yakutat area. There was also considerable discussion on the economic troubles in Yakutat and the desire of the community to develop a new fishery opportunity in Yakutat Bay. The Yakutat Advisory Committee has been proactive in this regard and discussed aspects of their management plan. The Committee related their concerns regarding new and developing fisheries and the need to move forward in an orderly and conservation-based approach to avoid boom and bust type development. The discussion then turned to how to help Yakutat in their endeavors given the concerns expressed. It was decided that a resolution be drafted from the BOF supporting the formation of a self-supporting task force to develop a management plan consistent with the High Impact Emerging Fisheries Policy (5 AAC 39.210) and, when adopted, the New and Developing Fisheries Policy. This task force should include representatives from ADF&G, Yakutat Advisory Committee, BOF, as well as processors and fishermen from Yakutat. In the interim it was decided that increasing the bycatch limits in the regional longline fisheries and in the Yakutat area salmon set gillnet fisheries would provide enough product to processors to explore development of markets. The issue of troll bycatch is not noticed in this proposal and will need to be discussed under salmon proposals at the March meeting.

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## ***POSITIONS & RECOMMENDATIONS***

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### Public Panel Recommendation:

- Support increase in longline bycatch limits to 35% for dogfish.
- Support retention and reporting of dogfish bycatch in the Yakutat salmon gillnet fishery.

### Board Committee Recommendation:

- Support substitute language.
- Defer final action until March meeting.
- Supports a resolution supporting development of a multi-agency task force to develop a research plan and a management plan consistent with the New and Developing Fisheries Policy. The resolution reads as follows:

For the sake of economic development in the village of Yakutat, and acknowledging the spacial and temporal change in distribution of dogfish sharks, the Board of Fisheries supports the development of a self-supporting task force comprised of representatives of the Yakutat Advisory Committee and the ADF&G, the purpose of which is to develop a research plan to support a directed fishery and management plan promulgation for dogfish sharks consistent with the approved New and Developing Fisheries Policy. In the interim, we recommend increasing the bycatch rate for dogfish sharks in the longline fisheries in Southeast Alaska to 35% of the round weight of the target species onboard, and further, to allow full retention of dogfish sharks taken by salmon gillnet fishermen in Yakutat Bay. Dogfish taken in salmon gillnet fisheries will be documented on a groundfish fishticket regardless of whether or not they are sold or discarded.

- Supports increasing the bycatch limit of dogfish on longline gear in Southeast to 35% of the round weight of the target species.
- Supports full retention of dogfish in the salmon gillnet fishery in Yakutat with documentation on a groundfish fish ticket regardless of whether or not they are sold or discard.
- Recommends that the BOF discuss increases in the troll bycatch level during the February BOF meeting.

### Regulatory or Substitute Language:

#### **5 AAC 28.174. DOGFISH BYCATCH FOR EASTERN GULF OF ALASKA AREA.**

- (a) in the Southeast District, a vessel fishing with longline gear may not land or have on board dogfish in excess of 35 percent, by round weight, of all target fish on board the vessel;
- (b) in the Southeast District, a vessel fishing for salmon with power troll or hand troll gear may not land or have on board dogfish in excess of 35%, by round weight, of all salmon on board the vessel;
- (c) in the EAST Yakutat Section, a salmon set gillnet permit holder may retain all dogfish taken as bycatch during salmon set gillnet operations. All dogfish caught must be recorded on the associated salmon fishticket.

Proposal 197/198- **5 AAC 28.XXX. YAKUTAT AREA (REGISTRATION AREA X)**. Creates a new halibut and groundfish management area. These proposals are the same except submitted by different groups.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 7, RC 9, RC 14, RC 31, RC 71

Public Comments: RC 42

Narrative of Pros and Cons: The staff stated that the department has no authority to manage halibut. The Yakutat Advisory Committee, author of these 2 proposals, requested they be withdrawn. A committee member explained that proposals could not be withdrawn in committee and must be discussed. The entire Board votes on withdrawing proposals. Proposal 197 may be withdrawn as it was submitted by the Yakutat Advisory Committee. It was not acceptable to withdraw proposal 198 as this proposal was submitted by numerous individuals.

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### ***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

Board Committee Recommendation:

- Support withdrawal request for 197.
- Recommends no action on 198.
- Defer action until March meeting.

Regulatory or Substitute Language:

Proposal 200- **5 AAC 28.XXX. SKATE FISHING SEASON FOR EASTERN GULF OF ALASKA AREA.** Creates a commercial fishing season for skates similar to the Individual Fishing Quota (IFQ) longline season (March 15-November 15).

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 9, RC 9, RC 14, RC 31, RC 71

Public Comments:

Narrative of Pros and Cons: The staff related that they had no stock assessment information on these species and that they were opposed to development of a directed fishery. It was suggested that an increase in bycatch rate would allow full retention if necessary. The discussion then revolved around the differences between the dogfish fishery request and this request. Generally it was agreed that the current 20% bycatch rate was non-limiting and there was no reason to either support this proposal or increase bycatch.

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***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

- Unanimously opposed to this proposal.

Board Committee Recommendation:

- Unanimously opposed to this proposal.

Regulatory or Substitute Language:

Proposal 202- **5 AAC 28.130. LAWFUL GEAR FOR EASTERN GULF OF ALASKA AREA and 5 AAC 39.105. TYPES OF LEGAL GEAR.** Defines pelagic longline gear distinct from bottom longline gear and allows the use of pelagic longline gear in directed fisheries for black and pelagic shelf rockfishes.

Staff Reports: RC 36g

Staff Comments: RC 35

AC Comments: AC 7, AC 8, AC 9, AC 1, AC 4, RC 9, RC 14, RC 31

Public Comments: PC 21, RC 42

Narrative of Pros and Cons: Panel discussion focused on the definition of pelagic longline gear and potential enforcement problems. Protection wants a clear definition that is enforceable. Panel members agreed to support this new directed fishery but gear definition problems needed to be resolved. The committee stated they could not support this proposal using the current gear definition language. The committee directed staff to work with Alaska Longliners Fishermens Association and Fish and Wildlife Protection to write a definition for pelagic gear that is acceptable to everyone by the March meeting.

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### ***POSITIONS & RECOMMENDATIONS***

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Public Panel Recommendation:

- A consensus was reached to support this proposal if the definition of pelagic longline gear can be rewritten and is acceptable to the longliners, ADF&G and Protection.

Board Committee Recommendation:

- The committee did not support this proposal using the current gear definition language.
- The committee directed staff to work with Alaska Longliners Fishermens Association and Fish and Wildlife Protection to write a definition for pelagic gear that is acceptable to everyone by the March Board meeting.
- Defer action until March meeting.

Regulatory or Substitute Language:

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