



October 6, 2023

Ms. Märit Carlson-Van Dort, Chair  
Alaska Board of Fisheries  
PO Box 115526  
Juneau, AK 99811

Ms. Carlson-Van Dort

The Alaska Department of Fish and Game (department) petitions the Alaska Board of Fisheries (board) to make a finding of emergency to promulgate a new regulation delegating the department authority to close areas of high rockfish bycatch in Waters of Alaska to commercial fishing with specific gear types.

Rockfish stock status is generally declining across most of the state and the department has restricted many directed rockfish fisheries to conserve these long-lived fish. In some areas of the state most of the rockfish harvest occurs as bycatch in fisheries targeting halibut or other groundfish species. The department does not have authority to restrict the commercial halibut fishery directly, but has restricted state-managed commercial, sport, personal use, and subsistence fisheries for rockfish for conservation purposes.

The current emergency is exceeding the guideline harvest level (GHL) of rockfish in Prince William Sound (PWS). The Prince William Sound Rockfish Management Plan (5 AAC 28.265) establishes a rockfish GHL of 150,000 lb and requires full retention of all rockfish caught when participating in a directed commercial groundfish or halibut fishery in the PWS Management Area. The plan also sets rockfish trip limits, by fishery, as a percentage of the round weight of the directed species on board the vessel. Any amount of rockfish that exceeds this bycatch limit is accounted for as overage and proceeds of the rockfish overage sale are surrendered to the state.

The department has growing concerns about the status of rockfish stocks in PWS. To stay within the 2023 annual PWS rockfish GHL the department reduced rockfish bycatch limits and did not open the parallel Pacific cod season in PWS. Despite these - management actions, the PWS rockfish GHL was exceeded in 2023. The commercial halibut fishery remains open until early December during which time rockfish harvest as bycatch will continue. Vessels participating in the commercial halibut fishery in the PWS area have been fishing in areas of known high rockfish abundance and have made landings with significant rockfish harvest. In some cases, rockfish bycatch exceeds the amount of directed halibut harvest in these landings. The department has issued advisory announcements encouraging halibut fishermen to avoid areas of known rockfish abundance, but these efforts have not been successful in reducing rockfish bycatch. The department is pursuing additional regulatory management measures to control rockfish bycatch through this petition in accordance with 5 AAC 96.625(f).

The department does not have authority to manage the halibut fishery and seeking the assistance of participants in the halibut longline commercial fishery to set gear away from aggregates of rockfish habitat has proven ineffective. The PWS rockfish GHL has been exceeded, as it was in 2022, with rockfish harvest expected to continue through early December, when the commercial halibut fishery closes. A small number of participants continue to commercially fish in PWS areas of high rockfish abundance and there are no regulatory or enforcement tools to reduce rockfish bycatch because rockfish must be retained, and the department does not have authority to close areas to specific gear types by emergency order. This lack of emergency order authority represents an emergency, in accordance with 5 AAC 96.625(f) because it is an unforeseen, unexpected event that threatens a fish or game resource, in this case, rockfish species.

While this specific emergency relates to the PWS area, the emergency is not unique to PWS, therefore the department is seeking an emergency regulation to amend a statewide regulation, 5 AAC 28.050 as follows:

**5 AAC 28.050 Lawful gear for groundfish.**

5 AAC 28.050 is amended by adding a new subsection to read:

...

**(g) To conserve groundfish species, the commissioner may close areas to commercial fishing with specific gear types by emergency order.**

The department determines that emergency authority to close certain areas within Waters of Alaska to specific gear types is necessary for conservation of the resource, to prevent overfishing of rockfish, and constitutes an emergency in accordance with 5 AAC 96.625(f).

Respectfully,



Doug Vincent-Lang  
Commissioner

CC: Art Nelson– Executive Director, Boards Support- BOF, Fish and Game State of Alaska  
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