

PROPOSAL 163

5 AAC 39.105. Types of legal gear.

Define all trawl gear operated inside state waters as non-pelagic and develop new performance and monitoring standards to allow state-waters pelagic trawling to occur on a case-by-case basis, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

Redefining pelagic trawls in Alaska state waters as mobile bottom contact gear would align the gear type's definition with its current operation, which includes frequent seafloor contact. This adjustment would clarify enforcement and require pelagic trawls to avoid areas closed to bottom trawling until it can be reliably proven that the trawls operate only in the midwater, as intended.

Proposed amendment to 5 AAC 39.105:

Redefinition of Pelagic Trawl Gear in State Waters.

For the purposes of state water fisheries management, any trawl gear deployed in state waters shall be presumed to be mobile bottom contact gear unless the operator can demonstrate, through Department-approved monitoring methods, that the gear operates entirely within the water column without seafloor contact.

The Alaska Department of Fish and Game shall develop:

- A process for gear operators to apply for midwater trawl status using real-time monitoring, sensors, or other compliance verification systems;
- Standards for what constitutes acceptable proof of midwater operation;
- A public list of verified midwater trawl vessels.

Vessels not verified shall be subject to all regulations and area closures applicable to bottom contact gear. Failure to comply with this regulation may result in enforcement action, including fines or loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? There is increasing concern that the use of pelagic trawl gear in Alaska State waters does not comply with its intended midwater operation. This highlights several important regulatory and environmental issues. Pelagic trawls and seafloor contact limitations are clearly defined within Alaska regulations, 5 AAC 39.105: *Types of legal gear, is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed.*

However, reports from the North Pacific Fishery Management Council Fishing Effects Model document and testimony from trawl fleet representatives affirm that these trawls regularly operate well outside of this definition. We believe this results in known frequent seafloor contact, habitat

damage, and an increased threat to the sustainability of critical fisheries such as crab, salmon, and halibut.

The absence of seafloor contact monitoring and regulatory enforcement mechanisms limiting such contact exacerbates the problem, allowing noncompliant practices to persist unaddressed. This undermines the integrity of the state's sustainable fisheries management, its commitment to protecting marine habitats, and the long-standing regulation around pelagic trawl use in Alaska state waters.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance

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