

Groundfish and Herring (6 proposals)

**This proposal will be heard at the LCI and Kodiak meetings, and deliberated at the Kodiak meeting.*

PROPOSAL 39

5 AAC 28.005. Registration areas established.

Exempt vessels using jig gear from exclusive and superexclusive groundfish registration restrictions, as follows:

Simply exempt vessels using jig gear from the exclusive and super exclusive registration requirements.

What is the issue you would like the board to address and why? Remove the exclusive and super exclusive designations for all state waters cod registration areas for vessels using jig gear. This would alleviate some of stranded GHF and permit vessels to take cod in different areas as conditions warrant.

PROPOSED BY: Gregory Gabriel (EF-F19-082)

PROPOSAL 40

5 AAC 28.306. Cook Inlet Area registration.

Add specific registration requirements for Cook Inlet Area groundfish fisheries, as follows:

5 AAC 28.306 is amended to read:

...

(x) In the Cook Inlet Area, prior to operating a vessel in a directed fishery for lingcod and pelagic shelf rockfish, sablefish, Pacific cod during a parallel season, or Pacific cod during a state-waters season as described in 5 AAC 28.367, the vessel operator or authorized agent must obtain a fishery-specific registration for that vessel.

What is the issue you would like the board to address and why? This proposal seeks to implement fishery-specific registration requirements for Cook Inlet Registration Area (CI) groundfish fisheries not currently specified in regulation. Some requirements of area registration are described under statewide regulation 5 AAC 28.020, including that a registration must be obtained before a vessel operates gear within a registration area and specifies the conditions that invalidate a registration. In the CI, there are fishery-specific registration requirements listed for sablefish under 5 AAC 28.360. However, aside from describing exclusivity for gear types in the Pacific cod state-waters season, there are no clear requirements for registration in the Pacific cod, lingcod, pelagic shelf rockfish, or sablefish fisheries described under 5 AAC 28.306. This has caused some confusion for CI fishermen registered in a nonexclusive parallel Pacific cod season to consider themselves also registered for the nonexclusive directed lingcod and pelagic shelf rockfish fishery. Although the *CI Pacific Cod Management Plan*, 5 AAC 28.367(e)(2)(C), states that registration is required for the state-waters season, specifying registration requirements for each CI groundfish fishery and identifying these registration requirements in CI regulations would provide clarity. A similar regulation was adopted by the board at the Prince William Sound meeting in December 2017.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F19-162)

PROPOSAL 41

5 AAC 28.360. Cook Inlet Sablefish Management Plan.

Clarify possession and landing requirements for the state-managed sablefish fishery in the Cook Inlet Area, as follows:

5 AAC 28.360 is amended to read:

...

(x) In accordance with 5 AAC 28.070 (c), a vessel retaining sablefish in federal waters may not fish in state waters of the Cook Inlet Area on the same trip.

What is the issue you would like the board to address and why? This proposal seeks to clarify possession and landing requirements of sablefish in the Cook Inlet Area. In state waters of the Cook Inlet Area, sablefish may only be retained during an open directed sablefish season (opens July 15) on board a vessel that is registered to participate in the state-managed Cook Inlet sablefish fishery (5 AAC 28.360 (a)). Retaining sablefish as bycatch is not allowed and the fishery is managed to a guideline harvest level (GHL). As provided in 5 AAC 28.070 (c)(2), a CFEC permit holder, while taking fish in an area or having taken fish in an area during the same trip, may not have on board an aggregate amount of a groundfish species that exceeds the amount allowed by regulation for that area, regardless of where the groundfish were taken. Therefore, a vessel may not fish in both federal and state waters on the same trip when retaining sablefish at any point during that trip, regardless of fishing order. The issue is when vessels participating concurrently in federally managed Individual Fishing Quota (IFQ) halibut and IFQ sablefish fisheries in federal waters also fish inside state waters during that trip and either sablefish are harvested out of season, vessels participate inside state waters without being registered, or harvest location of sablefish is misreported. During an IFQ halibut trip, vessels may cross the 3 nmi state waters boundary line, and fish both state waters and federal waters; however, vessels retaining sablefish in federal waters may not also fish inside state waters on that trip. Even when sablefish harvest did not occur inside state waters, this has been an enforcement issue and also a management issue as vessel operators often report all harvest by splitting it between the statistical areas (state and federal waters) without specifying the location where sablefish were taken (e.g. federal waters). In addition to violating 5 AAC 28.070 (c)(2), inaccurate reporting on fish tickets violates 5 AAC 39.130 (c)(8) and indicates that sablefish harvested in federal waters were retained illegally in state waters. Adding the proposed regulatory language under the Cook Inlet Sablefish Management Plan would provide clarity and reduce confusion for the public and department staff and also aid enforcement.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F19-161)

PROPOSAL 42

5 AAC 28.367. Cook Inlet Pacific Cod Management Plan.

Clarify possession and landing requirements for the parallel Pacific cod fishery in the Cook Inlet Area, as follows:

5 AAC 28.367 is amended to read:

...

(x) In accordance with 5 AAC 28.020 (b)(1), a vessel participating in a parallel Pacific cod season in the Cook Inlet Area, must remain within the Cook Inlet Area during that trip.

What is the issue you would like the board to address and why? This proposal seeks to clarify possession and landing requirements as a condition of registration for the Cook Inlet parallel Pacific cod fishery. Vessels participating in the Pacific cod fishery within the Cook Inlet Area may fish in both state and federal waters on the same trip if they meet federal requirements. However, vessels may only be registered for one registration area at a time as provided in 5 AAC 28.020 (b)(1) and are required to register for the Cook Inlet Area parallel Pacific cod fishery. Therefore, if a vessel participates inside state waters during the parallel Pacific cod fishery, the vessel must remain in the registration area for that trip. If the vessel were to fish in the adjacent Prince William Sound Area during that trip, for example, the vessel registration for the Cook Inlet Area parallel Pacific cod fishery would be invalidated and the vessel would no longer be in compliance of registration requirements. Clarifying allowable fishing activity in regulation under 5 AAC 28.367 would reduce confusion for the public regarding Cook Inlet Area requirements.

PROPOSED BY: Alaska Department of Fish and Game.

(HQ-F19-160)

PROPOSAL 43

5 AAC 28.371. Landing Requirements for Cook Inlet Area.

Add a 6-hour prior notice of landing requirement for the Cook Inlet Area directed lingcod fishery, as follows:

5 AAC 28.371 is amended to read:

...

(x) At least six hours before landing lingcod, an operator of a vessel participating in the Cook Inlet Area lingcod fishery must notify the department by telephone, to a telephone number specified in writing by the department on the registration forms at the time of registration, the following information:

(1) vessel name and ADF&G number;

(2) date and location of landing, and estimated time of arrival;

(3) name of fish buyer or processor;

(4) estimated number of pounds of lingcod on board the vessel.

What is the issue you would like the board to address and why? This proposal seeks to implement PNOL requirements for the CI directed lingcod fishery to facilitate biological assessment, improve inseason management, and aid enforcement. There is no prior notice of landing (PNOL) regulatory requirement for vessels participating in the Cook Inlet Area (CI) directed lingcod fishery. Biological sampling of the lingcod and rockfish bycatch harvested during the fishery is coordinated out of Homer and a majority of deliveries occur in Seward. Staff must

travel by state vehicle from Homer to Seward in order to meet landings, which takes approximately 4 hours for the drive alone. Offloading happens quickly and the opportunity to sample landings can easily be missed if there is no notification beforehand. Therefore, having a PNOL in place for this fishery would assist in achieving sampling goals. Additionally, a PNOL requirement allows Alaska Wildlife Troopers to be notified about upcoming deliveries, providing a coordinated enforcement opportunity. Similar regulations were adopted by the board for both the CI sablefish and directed rockfish fisheries in 2016, and the requirement also exists for the Prince William Sound Area sablefish fishery; landings during all of those fisheries frequently occur in Seward and are covered by the same Homer staff as CI lingcod landings. Having PNOLs in place for all of these groundfish fisheries maintains consistency between regulations and also could potentially result in higher productivity and efficiency for the Central Region sampling program as it may allow for more deliveries to be covered during a single sampling trip. There is overlap of participants between the CI directed lingcod and rockfish fisheries and vessels are able to comply with the PNOL requirements for the rockfish fishery. Therefore, it would be expected that vessels would also be able to comply with the same requirement for the CI lingcod fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-159)

**This proposal will be heard at the LCI and Kodiak meetings, and deliberated at the Kodiak meeting.*

PROPOSAL 44

5 AAC 27.465. Kamishak Bay District Herring Management Plan.

Amend the *Kamishak Bay District Herring Management Plan* to remove restrictions to the Shelikof Strait food and bait herring fishery, as follows:

Draft Language: 5 AAC 27.465. Kamishak Bay District Herring Management Plan.

(a) The purpose of the Kamishak Bay District herring management plan under this section is to promote and maintain the viability of the herring stock in the Kamishak Bay District and stabilize the commercial fishery targeting the herring stock by using conservative management strategies that support a biologically sound and sustainable commercial fishery. This management plan describes the management strategies used to set and implement the guideline harvest levels for the Kamishak Bay sac roe fishery.

(b) The management year for Kamishak Bay herring stock is July 1 through June 30.

(c) The guideline harvest level for the following spring Kamishak Bay sac roe fishery will be based on the projected biomass as determined by the most recent aerial surveys, age class composition, historical mortality, recruitment trends, and other relevant data that is collected by the department.

(d) The maximum allowable exploitation rate for the Kamishak Bay herring stock is 15 percent of the spawning biomass. The department will determine the exploitation rate based on the age class structure of the forecasted biomass, the degree of biomass uncertainty as measured by the adequacy of the recent years' aerial survey conditions and coverage, and the following guidelines:

(1) if the projected spawning biomass is 24,000 short tons or more, the department will establish a guideline harvest level of herring based on a exploitation rate between zero and 15 percent:

(2) if the projected spawning biomass is at least 14,000 short tons, but less than 24,000 short tons, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 12.5 percent;

(3) if the projected spawning biomass is at least 6,000 short tons, but less than 14,000 short tons, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 10 percent;

(4) if the projected spawning biomass is less than the minimum threshold of 6,000 short tons, the Kamishak Bay sac roe fishery will be closed.

(e) The management strategy for Kamishak Bay sac roe fishery is to target older age classes of herring, and to limit the exploitation rate of recruit age herring, which are fish age five and younger, to 10 percent or less. In order to provide maximum protection to recruit age herring, a further reduction on the exploitation rate set out in (d) of this section, or a complete closure of the affected fisheries may be implemented in the biomass projection, or in season test fishing, indicates a higher percentage of fish are recruit age herring.

What is the issue you would like the board to address and why? The Kodiak Area Food and Bait Fishery's North Shelikof section cannot presently open because it is regulated by the Kamishak Bay District herring management plan. The Kamishak Management Plan presently closes the North Shelikof section when the spawning biomass in Kamishak is below 6,000 tons. The Kamishak section has not been surveyed in several years, and the surveyed biomass of herring in the North Shelikof section has been much larger than 6,000 tons. The Kodiak Food and Bait fishery should be managed on its own recent stock assessment. This would allow this, sustainable fishery, to provide food and bait herring throughout the state.

PROPOSED BY: Sam Mutch

(EF-F19-024)
