

7/28/15 from Nicole Kimball, ADFG

EM Workgroup members:

Per the EFP option for rockfish retention, a draft of which was provided on the Council website in preparation for the EM workgroup meeting later this week, below is my summary of what would be necessary for complementary state action. We can discuss later this week.

Because one of the primary objectives is to determine whether electronic monitoring can provide sufficient identification of rockfish species to meet management needs, the EFP would propose requiring full retention of rockfish species taken during fishing, which requires an exemption from federal regulations governing maximum retainable amounts of rockfish. This effort would also require some exemptions from state regulations governing rockfish retention, in order for halibut/sablefish vessels to continue operating under the cooperative research plan in both federal and state waters. The regulations for rockfish retention vary depending on region. The last we left it, we were planning for installs on about 40-80 vessels as possible under the budget, so that is the tentative number I used in my discussions with regional managers. I will confirm plans after our July EM workgroup meeting. We can accommodate exemptions to state regulations for this purpose through commissioner permits in 2016.

**Summary of exemptions that would be needed from state regulations:**

**Central Region** – No Commissioner permits are necessary, since mandatory retention of rockfish species is already required.

**Southeast** – Commissioner permits would be necessary for limited areas. The current rules are as follows:

1. The only state managed species that this applies to in federal waters (outside 3 miles) are dark rockfish and blue rockfish. The other state managed rockfish (DSR and blacks) are already full retention/reporting. Blues and darks can be retained in aggregate with black rockfish at 15% relative to the round weight of the target species. The low incidence of blue and dark rockfish in the catch in the EGOA make odds of exceeding this bycatch allowance very slim.
2. In all of the NSEI and SSEI subdistricts, full retention of rockfish is required so vessels could proceed in these areas under the current regulations with no need for a permit.
3. There is no sablefish fishing in 0-3 miles allowed in regulation (other than NSEI and SSEI fisheries) so that excludes those boats from needing a permit.

This leaves a narrow strip of water (0-3 miles in the Southeast Outside Subdistrict) for the halibut vessels that are interested in this EFP. These boats are already required to retain/report all DSR and black rockfish taken in by regulation. This leaves a select number of other rockfish species (widow, silvergray, dusky, shortraker, roughey, dark, blue etc.) that are of issue. The current bycatch allowances for these other rockfish species are as follows:

- 15% black, blue, and dark rockfish in aggregate (black rockfish are full retention)
- 5% all other rockfish and thornyheads in aggregate;

In sum, I believe vessels would need a commissioner permit to:

1. Retain all dark and blue rockfish in both federal and state waters in all areas of SE (but this is just in case because they wouldn't likely exceed the bycatch allowance regardless).
2. Retain rockfish other than DSR and black rockfish in state waters in SEO.

**Westward** – In the Kodiak Area, sablefish fishing is closed in state waters (5 AAC 28.410 (d)), so we would not issue commissioner permit for that activity; however, we would issue commissioner permits for halibut longline to coordinate fishing activity in state waters. The Kodiak area does not have mandatory rockfish retention regulations, but it does have bycatch limits for rockfish implemented by emergency order from which participating vessels would need exemption. From the global emergency order for the Kodiak Area:

(c) Black rockfish may be taken in a directed fishery or as bycatch from January 1 through December 31, as provided for in 5 AAC 28.466. Black rockfish taken as bycatch may not exceed five percent by weight of the directed groundfish species and directed halibut onboard a vessel, except black rockfish bycatch for vessels using mechanical jigging machines or hand troll gear may not exceed 20 percent.

(d) Dark rockfish may only be taken as bycatch. Dark rockfish bycatch may not exceed five percent by weight of the directed groundfish species and directed halibut onboard a vessel, except dark rockfish bycatch for vessels using mechanical jigging machines or hand troll gear may not exceed 20 percent as provided for in 5 AAC 28.466.

(e) Sablefish may only be taken as bycatch, not to exceed one percent by weight of the directed groundfish species and directed halibut onboard a vessel.

(f) Unless otherwise specified the maximum bycatch limit for any species of groundfish is 20 percent by weight of the directed groundfish species and directed halibut on board a vessel. This subsection does not supersede the mandatory retention rules for walleye pollock and Pacific cod as provided in 5 AAC 28.070(e).

**Timing:** The state would need to know which vessels would be participating, because a commissioner permit would be issued to each participating vessel. For initial development of the permit a week's notice would be necessary, but subsequent issuance of commissioner permits would be quicker (for example, if done on a quarterly basis). I would facilitate, but have Dan and/or other EM workgroup members in the specific port work directly with regional staff to develop the permits when it's time.