

Submitted by the Alaska Department of Fish and Game

March 11, 2023

Substitute language for proposal 153:

5 AAC 39.145 is amended to read:

5 AAC 39.145. Escape mechanism for shellfish and groundfish pots.

Pot gear must include an escape mechanism in accordance with the following provisions:

(1) a sidewall, which may include the tunnel, of all shellfish and groundfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of six inches in length; the opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread; the cotton twine may be knotted at each end only; the opening must be within six inches of the bottom of the pot and must be parallel with it; the cotton twine may not be tied or looped around the web bars; Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine, no larger than 60 thread, as a substitute for the above requirement; the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(2) all king crab, Tanner crab, shrimp, miscellaneous shellfish and groundfish pots may, instead of complying with (1) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least six inches in length; the opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread; a galvanic timed release (GTR) device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot; the twine may be knotted only at each end and at the attachment points on the galvanic timed release device; the opening must be within six inches of the bottom of the pot and must be parallel with it; the twine may not be tied or looped around the web bars;

(3) in an area open to commercial, personal use, sport, or subsistence fishing with pot gear, including a pot storage area, a registered commercial fishing vessel or a vessel used for personal use, sport, or subsistence fishing may not have on board the vessel or in the water, in fishing or stored condition, any groundfish or shellfish pot gear that does not have an opening or rigging as specified in [(1) OR (2) OF] this section;

(4) all commercial, subsistence, personal use, and sport shellfish pots constructed with rigid mesh must have at least one opening in a sidewall of the pot which may include the tunnel, except Dungeness crab pots that have a pot lid tie-down that complies with (1) of this section; the opening in a king crab or Tanner crab pot must be equal to or exceed a 12-inch by 8-inch rectangle; the opening in a Dungeness crab pot must be equal to or exceed a 10-inch by 6-

inch rectangle; the lower long edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening in a shrimp pot must be equal to or exceed a four-inch square; the lower edge of the opening must be parallel to, and within six inches of, the bottom of the pot; the opening may be covered with a single panel secured to the pot with no more than four single loops of untreated, 100 percent cotton twine, no larger than 30 thread; each single loop of cotton twine may contain only one knot and may not be laced along the opening; the panel must be attached to the pot in a manner that when the cotton twine degrades the panel will drop away from the pot exposing the opening completely;[.]

(5) all commercial, subsistence, personal use, and sport collapsible groundfish pots, commonly known as slinky pots, must contain two openings in the mesh with each equal to or exceeding 18 inches in length, the openings must each be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread; the cotton twine may be knotted at each end only; the openings must be on opposite sides of the pot, if placed on the tunnel side the opening must be in an area that does not include the door opening, within six inches of the edge of the pot;

5 AAC 28.050 is amended to read:

5 AAC 28.050. Lawful gear for groundfish.

...

(b) All commercial longline or skate gear buoys, or kegs and buoys for groundfish pots, must be marked with the permanent ADF&G vessel license plate number of the vessel operating the gear; [.]

(1) at least one buoy on each groundfish pot must be legibly marked, with the permanent ADF&G vessel license plate number of the vessel operating the gear, on the top one-half of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy. The buoy markings must be visible on the buoy above the water surface when the buoy is attached to the groundfish pot;

(2) each end of a groundfish pot longline must have a buoy attached marked with the permanent ADF&G vessel plate number of the vessel operating the groundfish longlined pot gear; the buoy must have the letters LP to designate the gear as longlined groundfish pot gear and the buoy may bear only the number of the vessel operating the gear. The numbers and letters must be marked in the top one-half of the buoy in numbers and letters that are at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; the buoy markings must be visible on the buoy above the water's surface when the buoy is attached to the longlined pot gear; for the purposes of

this subsection, "longlined" means more than one groundfish pot is attached to a stationary, buoyed, and anchored line.

...

(f) Pot or buoy identification requirements for groundfish pots are as follows:

(1) in a registration area or a portion of a registration area where a groundfish pot limit is in effect [,]

(A) each groundfish pot must have one identification tag issued by the department placed on the main buoy or on the trailer buoy if more than one buoy is attached to the pot; the main or trailer buoy may not display more than one tag issued under this subsection, and that tag must be the one that was issued for the year that the fishery is occurring; **or**

(B) when groundfish pots are operated as a groundfish pot longline, each groundfish pot must have one identification tag issued by the department placed on each pot; any buoy attached to the longline may not display an identification tag, and the pot may not display more than one tag issued under the subsection, and that tag must be the one that was issued for the year that the fishing is occurring.

5 AAC 28.130(f) is amended to read:

5 AAC 28.130. Lawful gear for Eastern Gulf of Alaska Area.

...

(f) In the Eastern Gulf of Alaska Area, pots may not be longlined, except that pots may be longlined in the Northern Southeast Inside Subdistrict and Southern Southeast Inside Subdistrict sablefish fishery. [AT LEAST ONE BUOY ON EACH GROUND FISH POT MUST BE LEGIBLY MARKED WITH ONLY THE PERMANENT DEPARTMENT VESSEL LICENSE PLATE NUMBER OF THE VESSEL OPERATING THE GEAR. THE NUMBER MUST BE PLACED ON THE TOP ONE-THIRD OF THE BUOY IN NUMERALS AT LEAST FOUR INCHES HIGH AND ONE-HALF INCH WIDE, MUST BE IN A COLOR CONTRASTING TO THE COLOR OF THE BUOY, AND MUST BE VISIBLE ABOVE THE WATER SURFACE WHEN THE BUOY IS ATTACHED TO THE GROUND FISH POT. IF GROUND FISH POTS ARE LONG LINED UNDER THIS SUBSECTION, A BUOY IS NOT REQUIRED FOR EACH POT, BUT AT LEAST ONE BUOY MUST BE ATTACHED TO THE LONG LINE, AND THE BUOY MUST BE MARKED AS DESCRIBED IN THIS SUBSECTION.] In a directed fishery for sablefish, pots used to take sablefish must have at least two circular escape rings with a minimum inside diameter of three and three-fourths inches installed on opposing vertical or sloping walls.

5 AAC 28.230(d) is repealed:

5 AAC 28.230. Lawful gear for Prince William Sound Area.

...

[(d) AT LEAST ONE BUOY ON EACH GROUND FISH POT MUST BE LEGIBLY MARKED WITH THE PERMANENT ADF&G VESSEL LICENSE PLATE NUMBER OF THE VESSEL OPERATING THE GEAR. THE BUOY MAY BEAR ONLY A SINGLE NUMBER - THAT OF THE VESSEL OPERATING THE GEAR. THE NUMBER MUST BE PLACED ON THE TOP ONE-THIRD OF THE BUOY IN NUMERALS AT LEAST FOUR INCHES HIGH, ONE-HALF INCH WIDE, AND IN A COLOR THAT CONTRASTS WITH THE COLOR OF THE BUOY. THE BUOY MARKINGS MUST BE VISIBLE ON THE BUOY ABOVE THE WATER SURFACE WHEN THE BUOY IS ATTACHED TO THE GROUND FISH POT.] **repealed.**

Note: This is the current regulation until it is scheduled to change on 3/26/2023 as a result of ACR 8 being accepted at the October Work session, which ultimately was adopted at the Arctic/Yukon/Kuskokwim meeting as Proposal 171 with language found in RC 43.

5 AAC 28.330(c) is amended to read:

5 AAC 28.330. Lawful gear for Cook Inlet Area.

...

(c) A groundfish pot may not be attached to a line connected to another groundfish pot, except that in the Cook Inlet Area sablefish fishery, groundfish pots may be connected by a line if at least one buoy is attached to each end of the line and each buoy is marked as specified in [5AAC 28.050] [(d) OF THIS SECTION]; no more than 15 groundfish pots may be attached to the same line.

5 AAC 28.330(d) is repealed:

[(d) AT LEAST ONE BUOY ON EACH GROUND FISH POT MUST BE LEGIBLY MARKED WITH THE PERMANENT ADF&G VESSEL LICENSE PLATE NUMBER OF THE VESSEL OPERATING THE GEAR. THE BUOY MAY BEAR ONLY A SINGLE NUMBER - THAT OF THE VESSEL OPERATING THE GEAR. THE NUMBER MUST BE PLACED ON THE TOP ONE-THIRD OF THE BUOY IN NUMERALS AT LEAST FOUR INCHES HIGH, ONE-HALF INCH WIDE, AND IN A COLOR THAT CONTRASTS WITH

THE COLOR OF THE BUOY. THE BUOY MARKINGS MUST BE VISIBLE ON THE BUOY ABOVE THE SURFACE WHEN THE BUOY IS ATTACHED TO THE GROUND FISH POT.] **repealed.**

5 AAC 28.430(b)is repealed:

5 AAC 28.430. Lawful gear for Kodiak Area.

...

[(b) AT LEAST ONE BUOY ON EACH GROUND FISH POT MUST BE LEGIBLY MARKED WITH THE PERMANENT ADF&G VESSEL LICENSE PLATE NUMBER OF THE VESSEL OPERATING THE GEAR. THE BUOY MAY BEAR ONLY A SINGLE NUMBER - THAT OF THE VESSEL OPERATING THE GEAR. THE NUMBER MUST BE PLACED ON THE TOP ONE-THIRD OF THE BUOY IN NUMERALS AT LEAST FOUR INCHES HIGH, ONE-HALF INCH WIDE, AND IN A COLOR THAT CONTRASTS WITH THE COLOR OF THE BUOY. THE BUOY MARKINGS MUST BE VISIBLE ON THE BUOY ABOVE THE WATER SURFACE WHEN THE BUOY IS ATTACHED TO THE GROUND FISH POT.] **repealed.**

5 AAC 28.530is repealed:

5 AAC 28.530. Lawful gear for Chignik Area.

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[(c) AT LEAST ONE BUOY ON EACH GROUND FISH POT MUST BE LEGIBLY MARKED WITH THE PERMANENT ADF&G VESSEL LICENSE PLATE NUMBER OF THE VESSEL OPERATING THE GEAR. THE BUOY MAY BEAR ONLY THE NUMBER OF THE VESSEL OPERATING THE GEAR. THE NUMBER MUST BE PLACED ON THE TOP ONE-THIRD OF THE BUOY IN NUMERALS AT LEAST FOUR INCHES HIGH, ONE-HALF INCH WIDE, AND IN A COLOR THAT CONTRASTS WITH THE COLOR OF THE BUOY. THE BUOY MARKINGS MUST BE VISIBLE ON THE BUOY ABOVE THE WATER SURFACE WHEN THE BUOY IS ATTACHED TO THE GROUND FISH POT.] **repealed.**

5 AAC 28.570(e)is repealed:

5 AAC 28.570. Lawful gear for South Alaska Peninsula Area.

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[(e) AT LEAST ONE BUOY ON EACH GROUND FISH POT MUST BE LEGIBLY MARKED WITH THE PERMANENT ADF&G VESSEL LICENSE PLATE NUMBER OF THE VESSEL OPERATING THE GEAR. THE BUOY MAY BEAR ONLY THE NUMBER OF THE VESSEL OPERATING THE GEAR. THE NUMBER MUST BE PAINTED ON THE TOP ONE-HALF OF THE BUOY IN NUMERALS AT LEAST FOUR INCHES HIGH, ONE-HALF INCH WIDE, AND IN A COLOR THAT CONTRASTS WITH THE COLOR OF THE BUOY. THE BUOY MARKINGS MUST BE VISIBLE ON THE BUOY ABOVE THE WATER SURFACE WHEN THE BUOY IS ATTACHED TO THE GROUND FISH POT.]

repealed.