



D1 Pelagic Trawl Gear Definition Changes

February 2024 Council Meeting

Action Memo

Council Staff: Sam Cunningham
Other Presenters: Caleb Taylor (NMFS SF), Alicia Miller (NMFS SF), Alex Perry (NOAA OLE)
Action Required: Review discussion paper and advise action as necessary

BACKGROUND

In June 2023, the Council passed a [motion](#) directing NMFS, NPFMC, and NOAA Office of Law Enforcement (OLE) staff to work with fishery participants to identify potential revisions to the regulatory definition of *pelagic trawl gear*. This discussion paper provides a starting point for a potential regulatory rulemaking package that encompasses the following three items:

1. Clarification that the codend is not intended to be regulated;
2. Regulatory language that allows for gear innovation; and
3. Resolution of inconsistencies or outdatedness in existing regulations.

Section 2 of the discussion paper provides the history of defining pelagic trawl gear in Federal regulation, dating back to 1990 and a summary of how gear components are defined in regulation and common practice specific to Alaska. Section 3 provides regulatory background on each of the three items listed in the Council motion. Section 4 highlights circumstances where the definition of pelagic trawl gear intersects with the ability of NOAA OLE to conduct its duties, and references the Enforcement Precepts that were developed through the Council's Enforcement Committee with direct input from the State of Alaska, NOAA OLE, and the U.S. Coast Guard. Section 5 walks through examples of where the existing definition of pelagic trawl gear and – by extension – nonpelagic trawl gear are used in current regulations and how that could affect management measures that are not intended to be changed. Section 6 outlines recommendations by NMFS and NOAA OLE on changes to regulatory language that could address the codend and outdated gear definition elements. That section also identifies management objectives that are likely to drive gear innovation, but does not proposed regulatory language changes prior to receiving further direction on Council intent.

The Council may choose to develop a purpose and need statement and alternatives for analysis.