

ADVISORY PANEL
Motions and Rationale
April 6-10, 2021 - Anchorage, AK

D1 GOA Sablefish Pots 3-Year Review

Motion 1

The AP recommends the Council request that NMFS remove the pot tag requirements in the GOA sablefish pot fishery.

Motion passed 16-4

Rationale in Favor:

- *Pot tag requirements have resulted in additional and significant IFQ program cost but have provided little benefit to the fishery for pot limit enforcement or pot loss. This data can be attained through information found in the required vessel logbook. The analysis states "The requirement for pot tags is a provision of the IFQ Program that is administratively burdensome and costly to implement. NMFS OLE and the USCG District 17 have assessed that this gear marking requirement is not useful for the at-sea enforcement of pot limits." NMFS estimates \$118,000 has been spent over the last two years for 160,000 tags.*
- *The analysis explains that tags are not available as "ready-made" products and are manufactured according to special requirements (size, biodegradable, etc), which takes approximately three months. Due to the substantive increase in requests for new pot tags in 2020, the Agency ran out of pot tags in the Fall of 2020. This resulted in a backlog of fishery applications, which delayed some fishery participants from fishing.*
- *The IFQ Committee was in general consensus that the utility of the requirement for pot tags was not warranted. The IFQ Committee Report from March 25th and 26th states "The Committee recommended the requirement for pot tags be removed to address an unnecessary burden and cost. The majority of members felt this was a non-controversial/non-complex action that would be considered a high priority."*
- *Both the IFQ Committee and public testimony have highlighted the fact that buoy tags on longline pot configurations serve no purpose in this fishery because these pots sit on a longline on the bottom of the ocean, which is different from single pots. This distinction is critical because buoy tags do serve a purpose in single pot fisheries as the pot tags are affixed to individual buoy clusters marking each pot.*

Rationale in Opposition:

- *The pot tag requirement should not be eliminated without a replacement option being recommended or investigated.*

Motion 2

The AP recommends the Council adopt the following Purpose and Need Statement and range of Alternatives and initiate analysis.

Purpose and Need: During the 2021 review of the GOA sablefish pot fishery implemented under Amendment 101, stakeholders noted that some of the concerns have not borne out to the same magnitude previously anticipated, and some of these elements are overly restrictive on sablefish pot fishermen. Additionally, elements put into place to reduce potential gear conflicts and grounds preemption issues and protect small boat fishermen may have made it more challenging for those fishermen to effectively participate in the fishery. Noting that concerns regarding grounds preemption and gear conflicts vary by GOA subarea, there may be room to reduce some of the restrictions on sablefish pot fishermen in the GOA. Furthermore, allowing the targeting of halibut in pots would reduce the negative impacts of whale depredation in the halibut fishery, and increase efficiency for IFQ holders.

Alternative 1: No action (status quo)

Alternative 2: Revise regulatory requirements implemented under Amendment 101 to the GOA FMP.

Element 1: Pot Limits

Option 1: Remove Pot Limits in the GOA

Option 2: Change the Pot Limit for all GOA regulatory areas (WGOA, CGOA, WY and SEO) up to 300 pots per vessel.

Option 3: Change the Pot Limits for the WGOA, CGOA, and WY up to 300 pots per vessel. Maintain 120, or X pot limit for SEO.

¹**Option 4: Status Quo**

Element 2: Gear Retrieval requirements

Option 1: Remove the gear retrieval requirement.

Option 2: Modify the gear retrieval requirement to:

Suboption 1: up to 7 days all GOA areas

Suboption 2: up to 7 days in WGOA, CGOA, WY, and up to 3 days in SEO

¹**Suboption 3: Status Quo**

Element 3: Pot configuration requirements in the GOA IFQ fisheries

Option 1: Revise the pot gear configuration requirements to remove the 9-inch maximum width of tunnel opening so it does not apply when vessel has unfished halibut IFQ onboard.

Option 2: Add an exception to the requirement for a biodegradable panel to authorize the slinky pot door latch mechanism.

Element 4: Gear Marking requirements

Option 1: Remove buoy configuration requirements in regulation but retain "LP" marking requirement.

Amendment¹ (To add status quo to Elements 1&2) passed 17-1

Motion as amended passed 17-3

Rationale in Favor of Amendment 1:

- *Inclusion of this language is intended to clarify that status quo for these elements remains an option for consideration by the Council.*

Rationale:

- *The 2021 three-year review of the sablefish pot fishery in the GOA highlighted a number of potential adjustments that could be made to help facilitate more functionality, efficiency, and inclusivity in a fishery that is transitioning well into the framework of GOA fisheries management. The 2021 IFQ Committee meeting held on March 26-27 reinforced many of these same issues highlighted in the review, and although stakeholders on the Committee were not aligned on every sablefish pot issue there was an understanding that some adjustments may be warranted to continue to improve the fishery. This motion seeks to encompass areas highlighted by providing elements and options for analysis of potential revisions to some of the current regulatory requirements in the sablefish pot fishery.*
- *Element 1 seeks to flesh out the utility of a pot limit in a fully rationalized fishery. Public comment highlighted that initial concerns addressed via pot limits have come to fruition. Additionally, different regulatory areas encompass different vessel operations and configurations such that WGOA subarea fishermen may not be as concerned with pots as fishermen in SEO. This motion provides a suite of pot limit options for consideration moving forward. Given the mixed testimony from fishers in SEO, Option 3 of Element 1 is intentionally left blank. It is anticipated that the analysis will help identify an option or options for an incremental increase in the limit for that area.*
- *Element 2 looks to analyze the gear retrieval requirement as it relates to each IFQ subarea. Public and written comment was mixed on this particular element; however, the IFQ committee reinforced some of the public comment by highlighting the burden and safety concerns with the gear tendering requirements, especially in SEO. The options provide a wide range of choices for analysis.*

- *Element 3 addresses two different aspects of pot configuration requirements. Option 1 seeks to remove the 9" maximum tunnel opening for sablefish pots in the IFQ fishery. Discussion at the IFQ Committee and public testimony highlighted the constraining effects of not being able to concurrently harvest halibut IFQ while sablefish fishing with pot gear. Option 2 seeks regulatory language clarification and/or regulatory exemption by NMFS regarding the biodegradable panel requirement for a groundfish pot. The "slinky pot" design has revolutionized the use of longline pot gear onboard smaller vessels, but they don't have a traditional panel as found on other types of pots. The 2020 fishing season saw an explosion of growth in the sablefish pot fishery as a result of the versatility the slinky pot provides for all sizes/configurations of vessels. Public testimony and written comment urge NMFS to grant an exception and allow the biodegradable panel to be sewn into the door of the "slinky pot" as opposed to cutting and sewing holes into the pots as is currently being done in an effort to be in compliance.*
- *Element 4 applies to gear marking requirements as per NMFS 679.24(a)(3) which requires a "vessel operator to mark each end of a set of longline pot gear with a cluster of four or more marker buoys, including one hard buoy marked with the capital letters "LP," a flag mounted on a pole, and a radar reflector." IFQ Committee discussion revealed that stakeholders may have initially placed too much emphasis on the gear marking requirement and no longer see the need for it to be encapsulated in regulation. Different IFQ subareas encompass different challenges and whereas it may make sense to have a specific buoy setup in some areas, in other areas that same setup can actually contribute to gear loss. IFQ Committee discussions highlighted the fact that in certain parts of western IFQ subareas flagpoles can actually drag the buoy cluster down with the tidal currents and assist in keeping the entire buoy cluster submerged. Fishery stakeholders are in general agreement that specific buoy configurations should be left up to the operator of the vessel as long as it retains the letters "LP" along with the FFP or ADF&G end marking requirements.*