



ALASKA MARINE
COMMUNITY COALITION

May 28, 2026

Ms. Angel Drobnica, Chair
North Pacific Fishery Management Council
1007 W. Third Avenue, Suite 400
Anchorage, AK 99501

Re: Agenda Item D1 – Pelagic Trawl Gear Research Updates

On behalf of the Alaska Marine Community Coalition (AMCC), thank you for the opportunity to comment on the North Pacific Fishery Management Council’s (the Council) consideration of pelagic trawl gear innovation and future action on a pelagic trawl performance standard. AMCC is a fishermen-founded and fishermen-led organization working to advance sustainable fisheries, healthy marine ecosystems, and thriving fishing and subsistence communities across Alaska. Our work is grounded in the principle that fisheries management must be both ecologically credible and publicly accountable. In the case of pelagic trawl gear, accountability depends, in substantial part, on whether the gear is operating off-bottom in practice and whether associated impacts to habitat, bycatch, and fish-dependent communities are being meaningfully minimized.

For years, the Council has studied and discussed this issue in multiple contexts, including: Bristol Bay red king crab analyses, pelagic trawl gear definition papers, enforcement discussions, Essential Fish Habitat (EFH) and Fishing Effects model (FE model) work, unobserved mortality discussions, and gear innovation updates. Pelagic trawl bottom contact affects habitat, crab, salmon and halibut Protected Species Catch (PSC), closed-area enforcement, EFH assumptions, and many other fisheries. Thus, AMCC recommends that the Council, based on its revised pelagic trawl performance standard analysis, evaluate a clear regulatory framework that links pelagic status to verified off-bottom performance. Specifically, AMCC recommends that the Council analyze, and ultimately, recommend to the National Marine Fisheries Service (NMFS), a revised pelagic trawl performance standard that includes the following:

1. Reclassifying pelagic trawl gear as “mobile bottom contact gear” and “bottom contact gear.” Because pelagic trawl gear is, in effect, fishing “on-bottom,” the pelagic trawl gear type needs to be reclassified accordingly.

2. A *zero-verified bottom contact* mandate in areas closed to bottom trawling or mobile bottom-contact gear. If pelagic trawl gear cannot demonstrate off-bottom operation in those areas, it should not receive pelagic-specific management.
3. A tow-by-tow 10% maximum bottom-contact threshold outside closed areas. The Council should use the existing Gulf of Alaska (GOA) 10% concept as a starting point, but clarify what the 10% threshold measures and, ultimately, make it enforceable.
4. Required bottom-contact monitoring technology. The new pelagic performance standard should require approved monitoring systems capable of documenting the duration, location, and pattern of seafloor contact.
5. Potential creation of a new “semi-pelagic” gear type classification if pelagic performance cannot be demonstrated. If gear repeatedly fails to meet the pelagic performance standard, the Council should analyze whether that gear should be managed as an entirely new gear type.

Each AMCC recommendation for a new performance standard will be discussed in turn.

First, the Council should analyze whether pelagic trawl gear should be managed as “mobile bottom contact gear” or “bottom contact gear.” “Pelagic trawl gear” has historically been branded as, and understood to be, mid-water fishing. That means, neither the net nor its spreading devices should operate in prolonged contact with the seabed. However, that is happening in real time—pelagic trawl gear is touching the bottom. Specifically, evidence shows repeated bottom contact on crab grounds—the Council’s January 2024 Bristol Bay Red King Crab (BBRKC) analysis discusses this issue and understands that the current pelagic trawl performance standard “is not an effective tool to limit seafloor contact.”¹ Thus, pelagic trawl gear needs to be reclassified as “mobile bottom contact gear” and “bottom contact gear.”

“Mobile bottom contact gear” is defined as “nonpelagic trawl, dredge, or dinglebar gear.”² “Bottom contact gear is defined as “nonpelagic trawl, dredge, dinglebar, pot, or hook-and-line gear.”³ However, because pelagic trawl gear is effectively operating on-bottom and is not being classified as “mobile bottom contact gear” or “bottom contact gear,” it can circumvent the management that nonpelagic gear is subject to. AMCC agrees with the Office of Law Enforcement’s (OLE) suggestion to list pelagic trawl under “bottom contact gear” and “mobile bottom contact gear” until the best available science shows “that the quantity and impact of bottom contact by pelagic trawl gear is not measurably deleterious.”⁴ If pelagic gear types are going to touch bottom, the pelagic trawl gear type needs to be reclassified accordingly. Pelagic

¹ N. PAC. FISHERY MGMT. COUNCIL, GROUND FISH AREA CLOSURES WITHIN THE BRISTOL BAY RED KING CRAB STOCK ASSESSMENT AREA 187 (January 16, 2024), <https://meetings.npfmc.org/CommentReview/DownloadFile?p=0cb90fa5-5e0e-40fc-9af1-00cf97ce18b6.pdf&fileName=C2%20BBRKC%20Analysis.pdf> [hereinafter BBRKC ANALYSIS].

² 50 C.F.R. § 679.2 (2025).

³ *Id.*

⁴ BBRKC ANALYSIS, *supra* note 1, at 188.

trawl gear should not be able to avoid obligations and restrictions that other gear types face when fishing on-bottom. The Council should carefully consider whether the current management classification of “pelagic trawl gear” reflects how the gear is understood to operate in practice, as management classifications determine access to closed areas, treatment under habitat protections, and distinctions between gear types throughout federal fisheries management.⁵

Second, in areas closed to bottom trawling or mobile bottom contact gear, the performance expectation should be *zero-verified bottom contact*—that is, gear operating completely off the seafloor. “Pelagic trawl gear” was originally distinguished from “bottom trawl gear” to reduce halibut and crab bycatch and discourage trawl operations on the seabed.⁶ The original prohibition on pelagic bottom contact was later removed because it was unenforceable at the time. As a result, the current framework relies on an indirect and effectively unenforceable performance standard that assumes pelagic trawl gear is fishing off-bottom, even when it may in fact be making repeated or sustained bottom contact. The Council’s analyses acknowledge that a passive approach is ineffective if the objective is to discourage or prevent trawl operations on the seabed.

Limiting seafloor contact of pelagic trawl gear to zero is especially important for areas closed to bottom-contact gear. For example, the Red King Crab Savings Area (RKCSA; 164°-162°W and 57°-56.2°N), which was established in 1996, is closed year-round to bottom trawling, but it is open to pelagic trawling. In areas like RKCSA, *zero-verified bottom contact* should be the rule. Because bottom-trawling closures, as in RKCSA, are adopted to protect habitat, benthic structure, or species that rely on the seafloor, allowing pelagic trawl gear to make mobile bottom contact in the same area undermines the purpose of the closure. Unfortunately, because pelagic trawl gear has long been assumed—albeit wrongly—to operate off-bottom, when it gets to effectively operate on-bottom—where other gear types are prohibited—an alarmingly large regulatory loophole is created. Put simply, pelagic trawl gear can bypass gear prohibitions in areas closed to bottom-contact gear. Thus, in areas closed to bottom trawling, the performance expectation for pelagic trawl gear should be *zero-verified bottom contact*.

Third, outside closed areas, a 10% tow-by-tow performance standard for pelagic trawl is a practical starting point. The Council already recognizes the Gulf of Alaska’s (GOA) 10% maximum seafloor-contact regulation, which provides: “No person trawling in any GOA area limited to pelagic trawling under § 679.22 may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow.”⁷ However, while this standard is currently unenforceable (due to a lack of detection technology implementation), it can serve as a guidepost to create a clearer definition—requiring detection technology—to be

⁵ N. PAC. FISHERY MGMT. COUNCIL, PELAGIC TRAWL GEAR INNOVATION DISCUSSION PAPER 31 (May 17, 2025) [hereinafter PELAGIC TRAWL GEAR DISCUSSION PAPER]

⁶ *Id.* at 9 (citing 58 Fed. Reg. 17196 (April 1, 1993)).

⁷ 50 C.F.R. § 679.24(b)(3) (2025).

enforceable.⁸ The solution, now, is to write a clear standard and pair it with a real compliance framework. Doing so will allow vessels to meet the 10% tow-by-tow performance standard.

Fourth, some form of bottom-contact monitoring technology should be required to start documenting the duration, location, and pattern of any pelagic trawl seafloor contact. Doing so will allow the Council to more quickly understand the amount of bottom contact actually made by pelagic gear. This data can better inform future pelagic gear innovation. OLE has already provided the Council with enforcement guidance on this issue. In the 2024 BBRKC Analysis, OLE recommended that the Council consider a revised performance standard with modern technology to quantify bottom contact.⁹

Current and emerging monitoring technology can be used to help measure this bottom contact by pelagic trawl gear.¹⁰ These new technologies create a practical pathway to move beyond assumption-based management and toward measurable accountability. A revised performance standard should, therefore, be built around the information needed for enforcement and public accountability. At a minimum, approved technology should be capable of determining (1) when contact occurred; (2) where it occurred; and (3) whether the contact was isolated, sustained, or repeated. While the Council does not need to prescribe a single technology in the motion, the Council should direct analysis of the monitoring performance requirements and allow the NMFS to develop approval criteria, calibration rules, malfunction protocols, data retention requirements, audit access, and reporting formats.

One of these technologies—the FE model—is a useful management tool for evaluating broad-scale habitat interaction risk and comparing relative fishing effects across gears and regions.¹¹ However, the Council should recognize its limitations in evaluating the impacts of pelagic trawling. For example, the FE model is not a direct measurement system for pelagic trawl seafloor contact under actual fishing conditions, nor was it designed to function as a tow-by-tow compliance or verification framework; its outputs depend heavily on assumptions regarding gear behavior, contact rates, habitat susceptibility, recovery, and the spatial distribution of fishing effort.¹² One additional limitation of the FE model is that it primarily evaluates fishing effects at the seafloor surface and broad habitat scale; it is not designed to directly measure interactions with the three-dimensional biological structure that exists above the seabed, including corals, sponges, sea whips, and other habitat-forming organisms.¹³ Consequently, a finding of minimal habitat effects in the model should not automatically be interpreted as evidence that pelagic trawl contact with those structures is insignificant. For that reason, the FE

⁸ BBRKC ANALYSIS, *supra* note 1, at 187.

⁹ *Id.* at 188.

¹⁰ PELAGIC TRAWL GEAR DISCUSSION PAPER, *supra* note 5, at 15-24.

¹¹ *Id.* at 20-21, 29.

¹² *Id.*

¹³ *Id.* at 15 (“ Model-based results such as these are useful to estimate habitat disturbance on a larger spatiotemporal scale . . . but are not representative of vessel- and tow-specific bottom contact.”).

model should inform, but not replace, measurable performance standards and direct monitoring of seafloor contact.

Further, AMCC recognizes that the FE model has not concluded that pelagic trawl impacts are causing population-level habitat reductions that are “more than minimal and not temporary” under the framework used in prior EFH reviews.¹⁴ However, that finding should not be interpreted to mean pelagic trawl gear has no meaningful seafloor interaction or that a performance standard is unnecessary. Ultimately, while the FE model can help inform risk evaluation, it cannot substitute for direct verification of whether pelagic gear is operating off bottom in practice. Thus, the Council should avoid treating FE-modeled assumptions about pelagic-gear contact as a replacement for measurable performance standards and observed field data.

From a performance-standard perspective, pelagic gear receiving management treatment based on off-bottom assumptions (i.e., not managed as mobile bottom-contact gear) should be required to demonstrate that it actually meets that expectation in practice. This requires verified technology. If pelagic trawl gear is permitted in areas closed to mobile bottom contact gear, exempted from restrictions applied to bottom trawl fisheries, and used as the basis for management distinctions across multiple fisheries, then measurable and enforceable seafloor-contact limitations are both reasonable and necessary.

Additionally, while AMCC supports the continued research and innovation of pelagic trawl gear through Exempted Fishing Permits (EFP) testing,¹⁵ when companies engage in the EFP process to study footrope modifications to pelagic trawl gear and then present they have made significant reductions in seafloor contact, those findings also suggest that the gear has been contacting the seafloor throughout prior operations.¹⁶ These EFP-studied “reductions” in seafloor contact do not resolve the underlying impact and understanding that pelagic trawl gear should be operating “off-bottom.” These types of EFPs appear to confirm that vessels with pelagic gear have made, and are making, unmonitored seafloor contact; therefore, they should be considered mobile bottom-contact gear. The current lack of any bottom-contact gear label itself implies the expectation of off-bottom gear performance.

Despite the uncertainty surrounding benthic habitat interaction and unobserved mortality,¹⁷ the Council’s record already recognizes substantial modeled seafloor contact by pelagic trawl gear¹⁸ and repeatedly identifies the need for improved technology and enforceable standards to quantify

¹⁴ *Id.* at 29.

¹⁵ 50 C.F.R. § 600.745(b); 50 C.F.R. § 679.6.

¹⁶ Dr. Noëlle Yochum and Shannon Carroll, Exempted Fishing Permit (EFP) Application, Trident Seafoods (Sept. 16, 2024), <https://www.fisheries.noaa.gov/s3//2024-09/2024-Pelagic-Gear-EFP-Application.pdf> (“This exemption will allow for the development and testing of novel footrope design concepts that aim to (and are anticipated to) minimize seafloor contact by the gear.”)

¹⁷ PELAGIC TRAWL GEAR DISCUSSION PAPER, *supra* note 5, at 23.

¹⁸ *Id.* at 15-21.

contact.¹⁹ Because the current definition and performance standard for “pelagic trawl gear” do not effectively limit seafloor contact, the Council should approve and require bottom-contact monitoring technology to document the duration, location, and pattern of seafloor contact of pelagic trawl gear if pelagic trawl gear is to continue receiving pelagic management treatment.

Fifth, throughout these discussions, some stakeholders have argued both that pelagic trawl gear should (1) not be subject to meaningful seafloor-contact limitations and that the gear should (2) continue to receive management treatment distinct from mobile bottom-contact gear. Those positions are difficult to reconcile. A gear type cannot simultaneously ask for tolerance of regular and consistent seafloor-contact while also relying on an off-bottom classification to justify different regulatory treatment from bottom-contact gear. More simply, they cannot continue to be managed as “no contact” while clearly stating “consistent contact”. If pelagic trawl gear is expected to operate with substantial, repeated, or unavoidable seafloor contact, then perhaps the Council could consider creating a new classification such as “semi-pelagic.”²⁰ This new gear-type solution could more accurately reflect the operational reality of pelagic gear and the management framework needed to regulate its on-bottom behavior.

Ultimately, if the Council’s objective is to discourage pelagic trawl operations on the seafloor, a revised trawl performance standard is needed to address seafloor contact, habitat important to recruitment, and unobserved mortality.²¹ For these reasons, AMCC respectfully asks the Council to initiate analysis of and recommend to NMFS a revised pelagic trawl performance standard that evaluates:

- the reclassification of pelagic trawl gear as “mobile bottom contact gear;” and “bottom contact gear;”
- zero-verified bottom contact in areas closed to bottom trawl or mobile bottom contact gear;
- a tow-by-tow 10% maximum bottom-contact threshold outside closed areas;
- required bottom-contact monitoring technology; and
- the potential creation of a new “semi-pelagic” gear type.

The Council has spent years building the record on pelagic trawl seafloor contact, habitat interactions, enforcement limitations, and gear innovation. The next step is to turn that record into an enforceable performance standard. A performance standard should function as the destination, not the byproduct of innovation. The Council should define what constitutes acceptable pelagic trawl performance and then encourage innovation, monitoring technologies, and gear modifications that demonstrably achieve that outcome.

¹⁹ *Id.* at 10-12, 15.

²⁰ 50 C.F.R. § 679.2 (2025) (defining “mobile bottom contact gear”).

²¹ BBRKC ANALYSIS, *supra* note 1, at 187.

Sincerely,

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