

## D1 Pelagic Trawl Gear Research Updates

### AP Motion 1

The AP received multiple updates regarding the Gear Innovation Initiative work, Experimental Fishing Permit efforts, and Bering Sea Fisheries Research Foundation crab habitat and species distribution research. The AP supports these ongoing efforts to address data gaps which have been prioritized by the Council.

The AP reaffirms the FE model and EFH process as the best scientific information available and the best method to understand the effects of all gear on habitat.

The AP recommends the Council:

1. Endorse the continued work and completion of the GII work, relevant ongoing EFPs, and BSFRF crab habitat and species distribution research.
2. Support and continue modifications and updates to the FE model including information on crab habitat, distribution, and outputs from the GII work.
3. Support the industry's consideration of the continued use of the dynamic closure measure in the RKCSA as a near-term tool.
4. Summarize in a publicly accessible format, any previous gear innovation successes and current status of commercially available sensor technology, ideally to be updated when new information becomes available.
5. Encourage and support collaboration between industry participants, scientists, and managers throughout ongoing gear research, Fishing Effects model refinement, and any future evaluation of scientifically informed management measures.
6. Task the plan teams, joint CPT and GPT, to consider all sources of habitat disturbance and crab mortality in the RKCSA and evaluate the magnitude of UFM on crab in the RKCSA.

Main Motion passes 12-3

### Rationale in Support of Main Motion

- *Some AP members recognized the immense amount of ongoing research focused on crab, crab habitat, pelagic trawl gear, and fishery interactions. The crab and pollock industries both have responded to the Council's request to focus on data gaps and improve understanding of gear performance, species distribution, crab habitat, and fishery interactions. The ongoing work is groundbreaking, particularly the GII, and demonstrates that both sectors are seeking a better understanding of these issues.*
- *The AP acknowledged the North Pacific's science-based management system relies on robust research, strong relationships among scientists, managers, and industry, and review bodies such as the Plan Teams and SSC to ensure information meets Council and MSA standards.*
- *The Council's June 2025 requests for "other research updates," and "updates on Gear Innovation Initiative progress" have been satisfied. However, it is not appropriate at this time to consider modifications to the performance standard. The empirical outputs of bottom contact should be included in the Fishing Effects (FE) model for Essential Fish Habitat (EFH) review. The Council's June*

*2025 motion specifically stated that updated contact estimates should inform consideration of management measure revisions, which is anticipated to occur in February 2027. Research intended to inform the Council's consideration of policy must have complete outcomes before policy decisions, but also should continue on its individual project timelines to ensure quality. Once complete, these outputs should move through the Council's established scientific review process, including SSC peer review. Only after that process should information be considered for management measures. There is currently a disconnect between the Council's stated intent to use updated contact estimates, and the timeline being discussed for management changes.*

- *Without complete research and peer-reviewed outcomes, management discussions lack the science-based foundation included in National Standard 2, which requires that conservation and management measures be based upon the best scientific information available. Some AP members acknowledged that the FE model and the EFH process is the best scientific information available for informing policy considerations regarding fishing gear interactions and habitat protections. Advancing policy before that work is complete means reaching conclusions before the evidence exists to support them. The applicable fisheries research is still in the hypothesis testing phase of the scientific process.*
- *The FE model is an important component of the EFH process to combine the parameters of gear contact estimates, habitat, sediment, susceptibility, and recovery. They get reviewed regularly, updated when new information becomes available, and peer reviewed by the SSC.*
- *Some on the AP recognized that it's not appropriate at this time to revise the current performance standard since directly related research intended to inform policy is ongoing and near completion, and that the current performance standards and conservation measures regarding crab and crab habitat are still active and enforceable in the Bering Sea. Additionally through public testimony, the AP was reminded that the current status of regulations and management measures is much more robust than it was in the 1990s when the performance standard was originally implemented. Now there are plenty of current regulations that ensure sustainability, conservation, and observation of the pollock fishery.*
- *The AP also noted that the FE model could be improved if all gear types were included, specifically crab pot gear, which is not currently included. Since the concern is about habitat disturbances in the RKCSA, then all gear contact and habitat disturbances should be evaluated to truly understand the whole issue and magnitude.*
- *The AP heard support from both the crab industry and the pollock industry for continued implementation of the dynamic closure measure in the RKCSA. The dynamic closure is intended to minimize potential interactions in areas with a higher likelihood of crab occurrence, maintain pollock fishing efficiency, and preserve Chinook salmon avoidance opportunities.*
  - *An AP member recalled the 2024 Bristol Bay Red King Crab closure area review, the PSC impact analysis included displacement model results. Those results examined the potential effects of removing pollock fishing from the RKCSA and one of the most significant tradeoffs identified was increased salmon PSC. The displacement model projected increases in salmon PSC in every modeled year, with increases up to 93%. That reflects the importance of the RKCSA as a salmon avoidance tool during A season.*

- *The dynamic closure more appropriately addresses these tradeoffs because it maintains a mechanism for salmon avoidance while addressing crab habitat concerns. The AFA pollock fleet has demonstrated an ability to collaborate, use multiple data sources, adapt operations in-season, and implement avoidance measures when needed.*
- *Continuing the voluntary dynamic closure while research is ongoing allows for flexibility, adaptive management, and incorporation of new information as it becomes available.*
- *The AP had extensive discussions regarding public perception of fishing gear, current gear configurations, available scientific literature, and gear innovation efforts. It became clear through AP discussions that a publicly accessible, easily understandable, and regularly updated summary would be beneficial. Such a document could improve public understanding of existing successful gear modifications and innovations, ongoing research, and the status of sensor technology as it becomes commercially suitable.*
- *Multiple scientists in presentations have also explained that commercially suitable contact sensor technology is not currently available. However, this issue continues to arise and remains an area of research, updates on sensor technology should also be provided in the publicly available summary. It could include research status, technology readiness and could be incorporated into the Council's existing public document on the Council's webpage, developed in response to the June 2025 motion. It was recognized that for ongoing research and innovation efforts like this, a publically accessible webpage summary is much more accessible than Council discussion papers and can more easily be updated outside of the Council's meeting schedule.*
- *The recommendation to include status updates regarding commercially suitable sensor availability in a publicly accessible summary page was not intended to stifle ongoing research or efforts to research sensor technologies. Rather it was intended to support the continued efforts and increase transparency to the public.*
- *The AP heard support for collaboration from multiple sectors. All of the motion's recommendations would be strengthened through collaborative research between fishing industries, scientists, and managers. Significant data gaps and complex questions remain, so collaborative research offers an effective way to address those issues. It has also been discussed as a trust-building exercise. All of this is important because both industries have recognized the value of working together.*
- *The final recommendation is to develop a more ecosystem-based understanding of habitat disturbance and crab mortality within the RKCSA. Unobserved fishing mortality is already incorporated into natural mortality within stock assessments. However, the empirical amount of unobserved fishing mortality and the relative contribution of UFM compared to all other mortality sources are unknown.*
- *As the understanding of pelagic trawl contact estimates improve and fill existing data gaps, it is important to evaluate pelagic trawl interactions in the broader context of all benthic habitat disturbance. And when empirical estimates of UFM of crab become available, they too should be evaluated against all sources of crab mortality. It should include updated and empirical contact estimates for all gear types. It should also include natural disturbance sources such as storm activity, and marine mammals. Similarly, all sources of crab mortality should be considered to establish a baseline understanding of impacts. It was understood that any new and emerging information such as*

*disturbances from lost pot gear could also be included in all sources of habitat disturbance. And understanding those baselines will help estimate the magnitude of UFM.*

- *Since stock assessment authors are already considering some of this information, it would be appropriate to task the Plan Teams jointly, CPT and GPT, with continued efforts to estimate UFM.*
- *Without understanding UFM relative to total crab mortality, the council lacks the reference points necessary to evaluate impacts, consider thresholds, and investigate meaningful metrics of success.*
- *Some AP members reiterated what the scientists presenting had stated, which was that bottom contact does not equal impact and that the FE model and EFH review estimate impacts.*
- *The AP did discuss whether the information in this motion should be provided as written or if it would be better incorporated as a discussion paper. Some AP members expressed support for the motion, but stated they would have also been supportive of seeing this move forward as a discussion paper.*
- *Some AP members identified February of 2027 to be the next appropriate time to consider SSC reviewed research and FE model outcomes to then consider how it should inform policy.*

#### **Rationale in Opposition to Main Motion**

- *One AP member, who did not support the substitute motion either, indicated opposition was directly related to the bullet related to UFM noting that it took away from the action didn't have a specific path forward.*
- *One AP member noted that they wanted a discussion paper and that the motion didn't do enough to focus the Council's efforts on uncertainty with respect to unobserved mortality.*
- *One AP member described the motion as not moving the issue forward and a continuation of the status quo, and felt that the AP was at a point to be having more substantive conversations about habitat and unobserved mortality.*
- *Does not consider the performance standard, which does not currently function.*
- *One AP member noted the lack of indigenous-led research and noted the limitations of the science and data due to the lack of indigenous perspective. They also felt that there was more than one story in the data being provided and that needs to be acknowledged. They noted that indigenous knowledge should be on the SSC.*
- *One AP member felt that fisheries collapse before the models catch up and referenced the collapse of the snow crab fishery as an example and noted that we should be managing based on current temperature regimes.*
- *One AP member noted that we should be looking at unobserved impacts to other benthic species and noted that walrus were being impacted and described something being 'off' within the foodweb and did not believe that to be included in the process. They felt that action should not be delayed in the absence of complete information.*

#### **Failed Substitute Motion:**

The Advisory Panel recommends that the Council initiate an analysis with the following purpose and need and suite of alternatives.

## **Purpose and Need:**

The purpose of this action is to align regulations governing pelagic trawl gear in Alaska with the longstanding management objectives that distinguish it from bottom-contact trawl gear: minimizing seafloor contact, reducing impacts to vulnerable crab stocks and benthic habitat, and ensuring pelagic trawl operations do not function as de facto bottom trawling. While pelagic trawl gear was originally authorized under these assumptions, the current regulatory framework lacks a measurable, enforceable, and performance-based standard for determining whether pelagic trawl gear is operating consistent with those objectives. As a result, documented instances of seafloor contact by pelagic trawl gear, including in areas where bottom trawling is restricted to protect habitat and crab resources, have raised concerns regarding accountability, enforceability, and consistency with Council conservation goals.

Council action is needed to develop a revised pelagic trawl performance standard that establishes clear, verifiable, and enforceable criteria for limiting seafloor contact while accounting for operational practicability, vessel safety, and continued gear innovation. A performance-based framework would provide a meaningful basis for distinguishing pelagic trawl gear from bottom-contact gear, support the conservation and management objectives of the Magnuson-Stevens Fishery Conservation and Management Act, incentivize technological improvements that further reduce seafloor interactions, and ensure pelagic trawl regulations are applied consistently and effectively in practice.

## **Alternatives**

Alternative 1: No Action

Alternative 2: Revise the pelagic trawl performance standard

Element 1: Bottom contact thresholds.

- A. Zero bottom Contact in all areas
- B. Zero bottom contact in areas closed to bottom trawl
- C. 10% bottom contact for BSAI to mirror the existing GOA regulation

Element 2. Application of bottom contact threshold:

- 7. On a tow-by-tow basis
- 8. On a trip basis (as applicable)
- 9. On a seasonal basis
- 10. At the vessel level
- 11. At the cooperative level, if applicable

Element 3. Monitoring and verification

- A. Require vessels using pelagic trawl gear to use approved technology sufficient to determine whether the gear is contacting the seafloor during fishing operations.
- B. In the absence of verifiable bottom contact data pelagic trawl gear is:
  - a. Not allowed in areas closed to bottom trawl.
  - b. Not allowed unless the vessel can document zero bottom contact in areas closed to bottom contact.

- c. If a sector cannot meet the pelagic trawl performance standard, the applicable gear or operation would be managed as bottom contact gear for purposes of management, area access, and enforcement.

**The analysis should include, to the extent practicable:**

- The gear components and fishing conditions are covered by the standard.
- Available technologies and their feasibility for deployment.
- How the bottom contact would be measured, verified, recorded, and audited.
- Enforcement feasibility and administrative burden.
- Safety and operational practicability.
- Implementation costs and timeline.
- Implications for gear innovation.
- Habitat, bycatch, and fishery operation implications.
- Impacts across vessel classes, sectors, cooperatives, and fishing communities.

The AP also recommends the establishment of an industry led working group to establish a reasonable timeline for implementation based on available and approved technology.

*Substitute Motion fails 13-2*

***Rationale in Support of Failed Substitute Motion:***

- *The Council has taken the time to revise the definition of Pelagic Trawl, conduct research on gear innovation, enacted industry led spatial closures, all of which were requested to be done prior to considering a revision to the performance standard. So after all of these items have been completed, or in the case of research, it will continue as it should, we are able to have a meaningful discussion about the performance standard.*
- *The Council currently lacks a measurable, enforceable, and performance-based framework for determining when pelagic trawl gear is operating in a manner consistent with the management assumptions that distinguish it from bottom-contact gear. The current performance standard was developed to prevent and discourage pelagic trawl gear from trawling on the seafloor. A regulatory change to the performance standard is needed to better reflect the Council's original intent and provide improved regulatory compliance. Revisions are also needed to the performance standard to reflect advancements in technology and digital reporting for clarity, accountability, and enforcement.*
- *The Council confirmed its intent to evaluate the Performance Standard in two separate motions (April 2024 and June 2025). This motion outlines a framework to analyze potential revisions to the performance standard.*
- *We understand that the current performance standard is not easily measurable nor enforceable due to constraints with OLE and observers ability to enumerate and measure crab on deck during haulback operations. There have been a minimal number of proposed violations to the standard over its lifetime yet the concerns for interactions with crab and halibut still persist.*
- *It is clear that the management objective for the performance standard also needs to be updated as "the Council's original objective was "to reduce halibut and trawl bycatches by discouraging or preventing trawl operations on the sea bed." Present concern is centered around: minimizing bycatch, impacts to sensitive seafloor habitat and unobserved mortality, and improving gear efficiency and effectiveness. Habitat protections and unobserved mortality are also now objectives.*

- *The research shouldn't deter or affect the goal. The Council needs to define the performance standard and the management measure and the research helps identify how to achieve that goal. Research is ongoing and iterative and should and will continue on this subject. This process requires the use of the best available science and at this time there is ample information and more coming soon that can and would be used to inform an analysis. Due to timing of Council issues and the prolonged process there is possibility that the GII, updates to the FE model and other research specific to this topic could be complete by the time the requested analysis is being written. Or within the timeline of future analyses should this action continue.*
- *The June 2025 discussion paper demonstrated that, as of a year ago, multiple technologies and approaches were already under active practice or development, including bottom-contact sensors, gear performance monitoring systems, and explorations of modified footrope designs. There are a suite of tools now and more coming that can inform the outcomes of the performance standard both in model and in practice.*
- *This is an initial analysis. It is the beginning of what could be a multi year process in which we will continue to receive updates on innovation and technology available. If there is no measurement mechanism for bottom contact at this time that is a one size fits all approach then it doesn't mean that there couldn't be in a year or two from now or longer when implementation could occur. The Council recently took action on Chum salmon with a mandate to use technology that was not quite there, so there is hope as to the continued development of technology at the rapid pace we are seeing it. As well as the development of technology based on incentives from management mandates.*
- *Element 3 is specific to monitoring and enforcement once and if there is a threshold and mechanism in place, not leading up to. It is not meant to be punitive in the development or absence of suitable technology to enforce a performance standard, it is intended as consequences should a vessel not have one or comply with created management measures.*
- *Specific to Element 3 #c, this is not intended to treat pelagic gear as NPT in the Bering Sea, it is intended to close areas to Pelagic Trawl that are closed to NPT if a performance standard could not be met or enforced.*
- *The statement "De facto bottom trawling" is in reference to the original objectives to limit bottom contact and how nets were operated prior to the pelagic trawl definition. It is referring to a need to update and confirm management objectives, not accusing current practice of acting as such.*
- *Bottom contact thresholds can be different for each area, these are potential options to be analyzed and not an exhaustive list, only a starting point. It is acknowledged and understood that the areas are different geographically and the 10% in GOA was based on trawlable areas. A combined 10% is based on easy enforcement and standardized monitoring.*
- *Elements 2 and 3 are only applicable with element 1.*

***Rationale in Opposition to Failed Substitute Motion:***

- *There were some AP members that felt the comparison of technology readiness in the chum action versus this action were not equivalent. It was indicated that the technology required to enforce the bottom contact thresholds in this request for analysis do not have any current timelines for commercial use, while inseason genetics are being used in the CV fleet already and proxy calculations were included in Chum final action for the CP fleet that isn't able to use inseason genetics yet.*

- *Some AP members noted that the bottom contact thresholds in this request for analysis were more strict than for any other gear type in the North Pacific. There were concerns that the pollock fishery and pelagic trawl gear is being singled out with inequitable standards and expectations that other fisheries with bottom contact are not being held to. Not only is this a lack of equity, but it is also a slippery slope for future bottom contact thresholds for all gear types.*
- *Some AP members noted that the crab industry through public testimony to the AP were mainly focusing on the RKCSA but the substitute motion expanded beyond the RKCSA and therefore this was not appropriate.*
- *Some AP members were concerned that in regards to the failed substitute motion public perception of impact was being prioritized over the robust ongoing research to investigate contact and the FE modeling framework and EFH determinations regarding impact. It was noted that the EFH process is a federally mandated scientific process to determine habitat impacts and inform the Council.*
- *Alternative 2, Element 2, C - Mirroring the 10% contact threshold in the GOA does not seem to align with the offered purpose and need of the failed substitute motion because the GOA performance standard has been deemed unenforceable.*
- *Some AP members had concerns with assumptions being made in the Purpose and Need of the failed substitute motion.*
- *Some AP members had concerns that the failed substitute motion via such a strong focus on enforcement does not inspire collaboration between the crab and pollock industries like the original motion does.*
- *The majority of rationale in opposition to the failed substitute motion is captured in the rationale in support of the main motion that passed. This was primarily that outputs from the GII project should be included in the FE model for updated EFH in February 2027 before initiating an analysis to consider a performance standard. The AP noted there is no scientific evidence currently available that indicates that pelagic trawl gear is having a negative impact that creates a conservation concern significant enough to warrant an initial review before the GII is complete.*