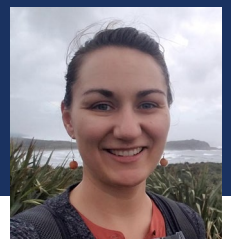
C6 Pelagic Trawl Gear Definition
Preliminary Initial Review Draft: Regulatory Impact Review

Caleb Taylor, October 2024
Alicia M. Miller

This action is intended to update the definition of pelagic trawl gear and is separate from ongoing efforts to encourage gear innovations and update the pelagic trawl gear performance standard.



Outline

- Context
- Regulatory approaches
- Background
- Pelagic & nonpelagic trawl gear
- Pelagic trawl gear definition
- Discussion of Alternatives and Options
- Summary and next steps

image credit: NOAA Fisheries

This Action:

Purpose and Need (Section 1.1, pg 5)

- align regulations with the longstanding interpretation of pelagic trawl gear;
- remove unnecessary outdated text; and
- provide for improved regulatory compliance.

Alternatives (Section 2, pg 12)

- **Alternative 1: No Action**
- **Alternative 2: Would revise specific provisions applicable to how pelagic trawl gear is defined.**

This action relates to other ongoing actions (Section 1.3 pg 8)

Pelagic trawl gear research

Research is ongoing to catalog pelagic trawl gear configurations and methods to measure pelagic trawl gear ground clearance and contact with the seafloor.

The Council supports these research efforts and requested regular updates.

Pelagic trawl gear innovation and Performance Standard

Discussion paper is tasked to inform options to incentive pelagic gear innovation with the objectives to:

- minimize bycatch
- minimize impacts to benthic habitats and unobserved fishing mortality
- improve or maintain fishing efficiency
- provide flexibility to adopt new technologies as they are developed

The Council intends to review options to change the pelagic trawl gear performance standard following this work.

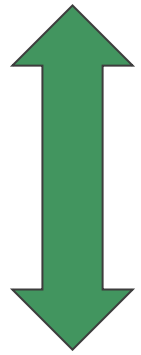
Regulatory Approaches (Section 4.2.5, pg 38)

Prescriptive regulations specify clear requirements for who must do what.

A **Performance standard** is a measurable standard.

Type approval is a process to grant approval with minimum requirements or standards.

Less Flexibility



More Flexibility

- This action maintains the current regulatory approach.
- Work to incentivize innovation and update the performance standard applicable to pelagic trawl gear are expected to result in substantive changes to the regulatory approach for pelagic trawl gear.

Regulatory Definitions

The Office of the Federal Register (OFR) provides technical and substantive guidance on the drafting of regulatory definitions. Substantively, the OFR advises that:

- The main purpose of a definition is to achieve clarity without needless repetition.
- Draft the Regulations (*i.e.* requirements) first, then the definitions.
- Do not include substantive rules or requirements in a definition.
- Do not use the word "must" in a definition.

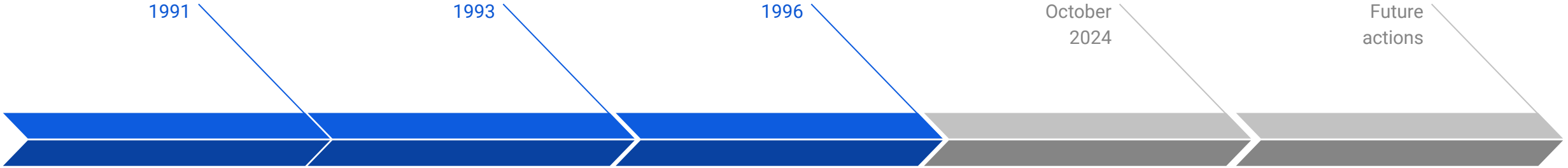
The definition of *pelagic trawl gear* is the physical description of the specific type of trawl gear that is referred to in regulations as "pelagic trawl gear."

Regulations that impose requirements on vessels using pelagic trawl gear or nonpelagic trawls appear elsewhere in the regulations such as:

- § 679.22 Closures.
- § 679.24 Gear Limitations.

source: https://www.archives.gov/federal-register/write/legal-docs/definitions.html

Background: Management Objectives (Sections 1.3 & 1.4 pg 8)



Prescriptive definition

Reduce halibut and crab bycatch

Clarified the prescriptive definition and added a performance standard

Reduce halibut and crab bycatch in the pollock fishery when PSC limits reached and only non-pelagic trawl gear is allowed

Performance standard is intended to discourage fishing in contact with the seafloor.

Prescriptive definition of Codend added at § 600.10

No reason provided

Update the prescriptive definition

Intended to improve compliance while maintain progress toward reducing bycatch and protecting sensitive habitats

Incentivize and allow gear innovation

Maintain the goal of reducing bycatch and protecting sensitive habitats.

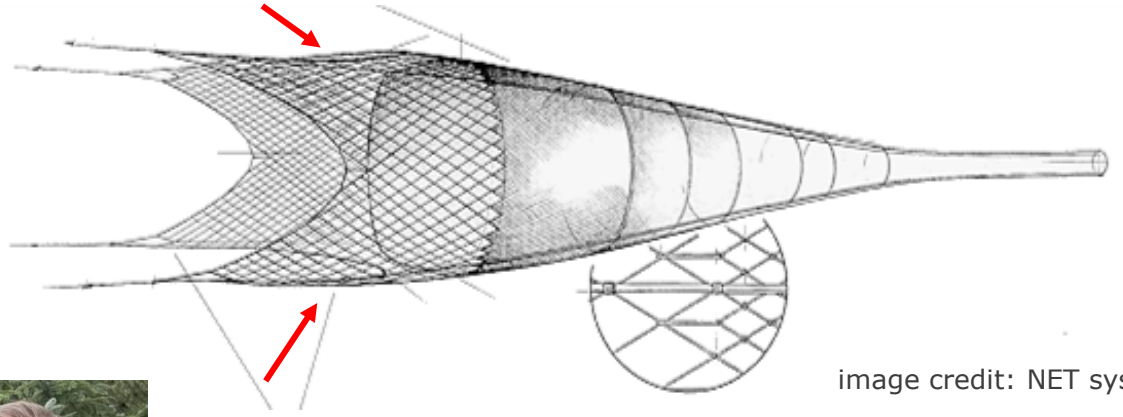
Shift the regulatory approach away from detailed prescriptive regulations to implement a more flexible definition and an improved performance standard

Pelagic and Nonpelagic Trawl Gear

Section 3.2 pg. 19 - 21
Table 3-1

Pelagic Trawl Gear

- Footrope: **no** discs, bobbins, or rollers
- Large forward meshes
- No headrope flotation
- no bottom protection (chafing) gear on footrope



Nonpelagic trawl gear

- Footrope: **includes** discs, bobbins, rollers, chafing gear
- Small forward meshes
- Headrope flotation
- Allows chafing gear on footrope

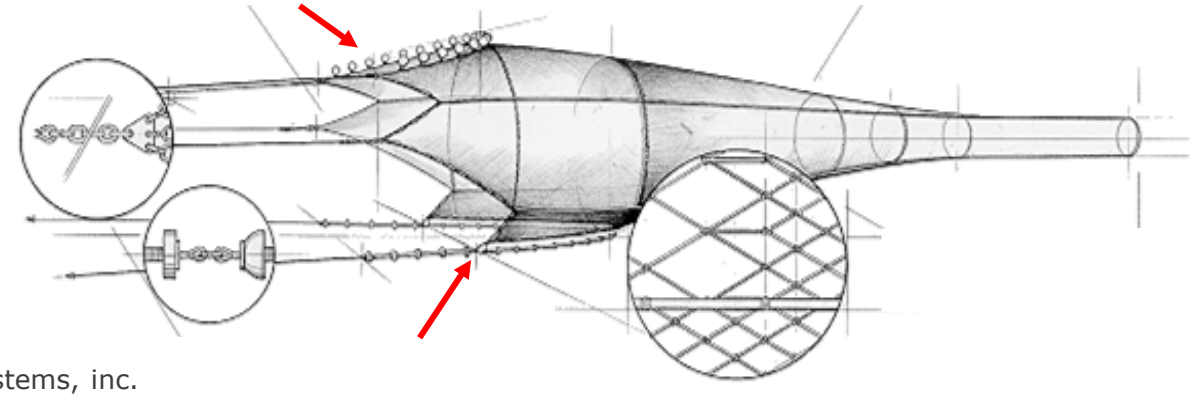


image credit: NET systems, inc.

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 18

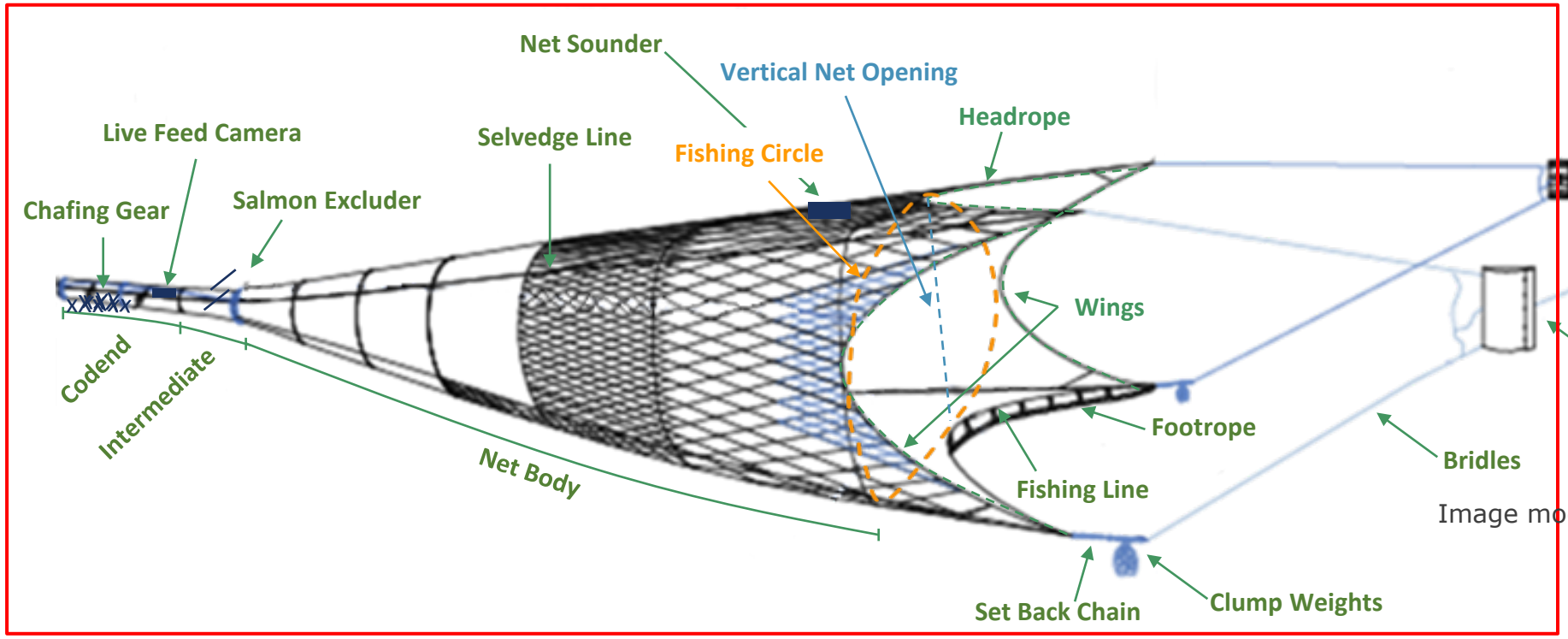


Image modified from: Swan Net Gundry

(i) Has no discs, bobbins, or rollers;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

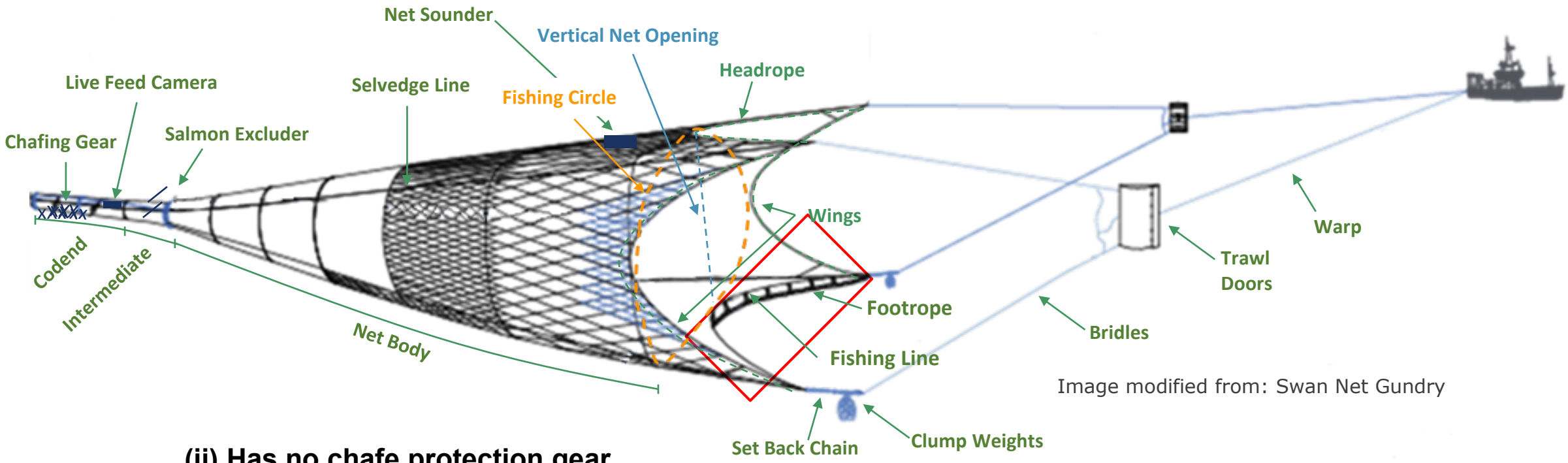


Image modified from: Swan Net Gundry

(ii) Has no chafe protection gear attached to the footrope or fishing line;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

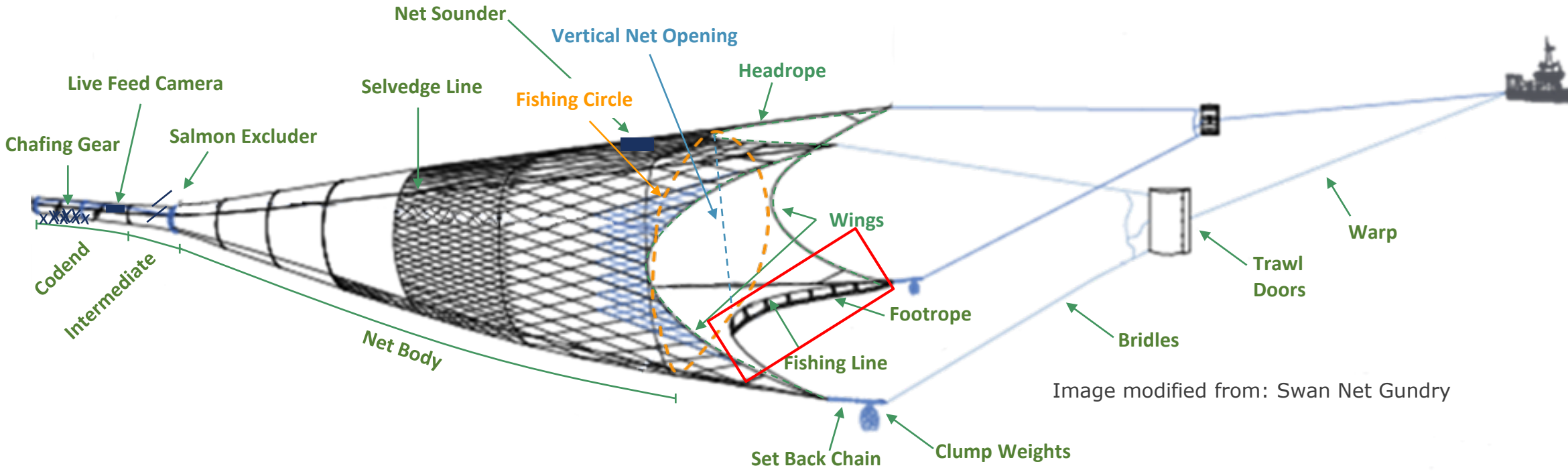


Image modified from: Swan Net Gundry

(vii) Has no more than one fishing line and one footrope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

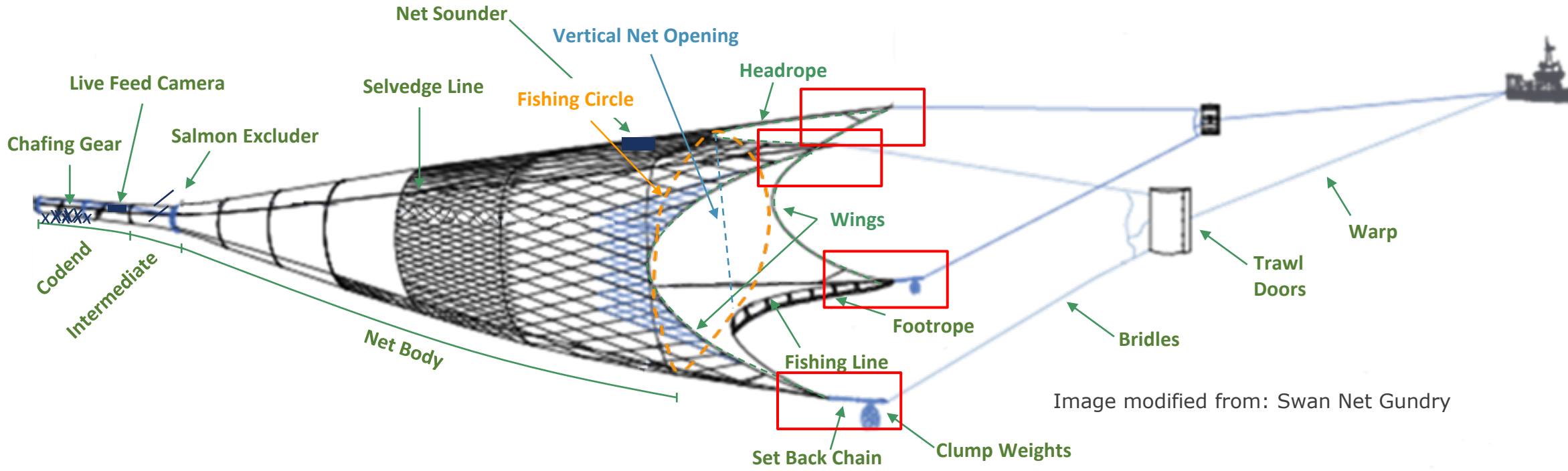


Image modified from: Swan Net Gundry

(x) May have weights on the wing tips.

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 18

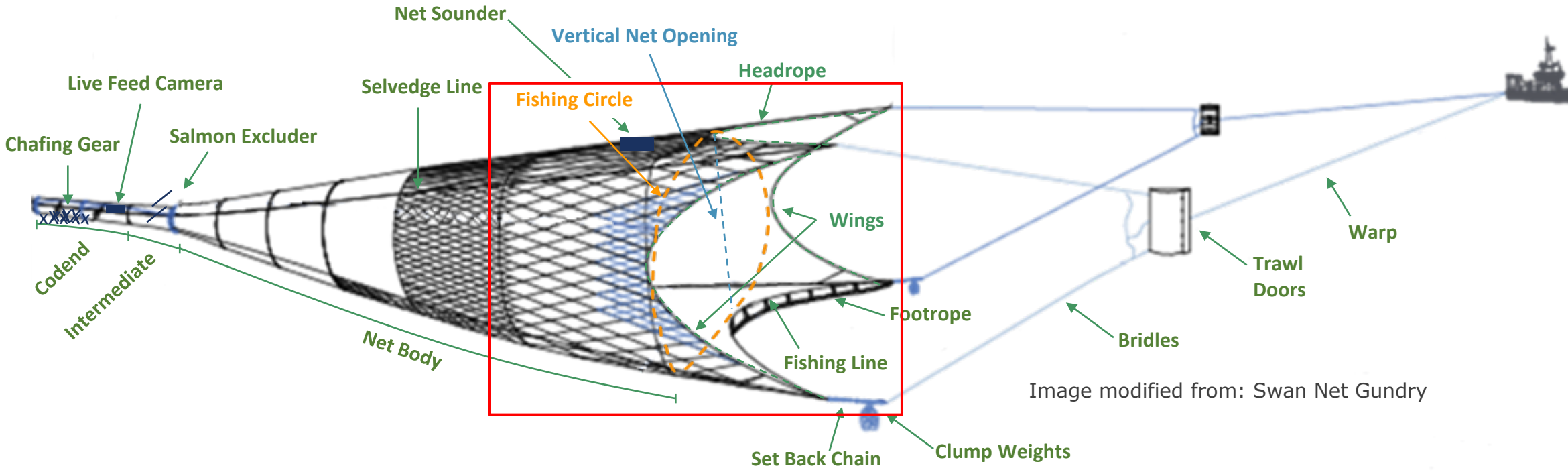


Image modified from: Swan Net Gundry

(iii)(A) Has no mesh tied to the fishing line, headrope, and breast lines with less than 20 inches (50.8 cm) between knots and has no stretched mesh size of less than 60 inches (152.4 cm) aft from all points on the fishing line, headrope, and breast lines and extending passed the fishing circle for a distance equal to or greater than one half the vessel's LOA; or

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

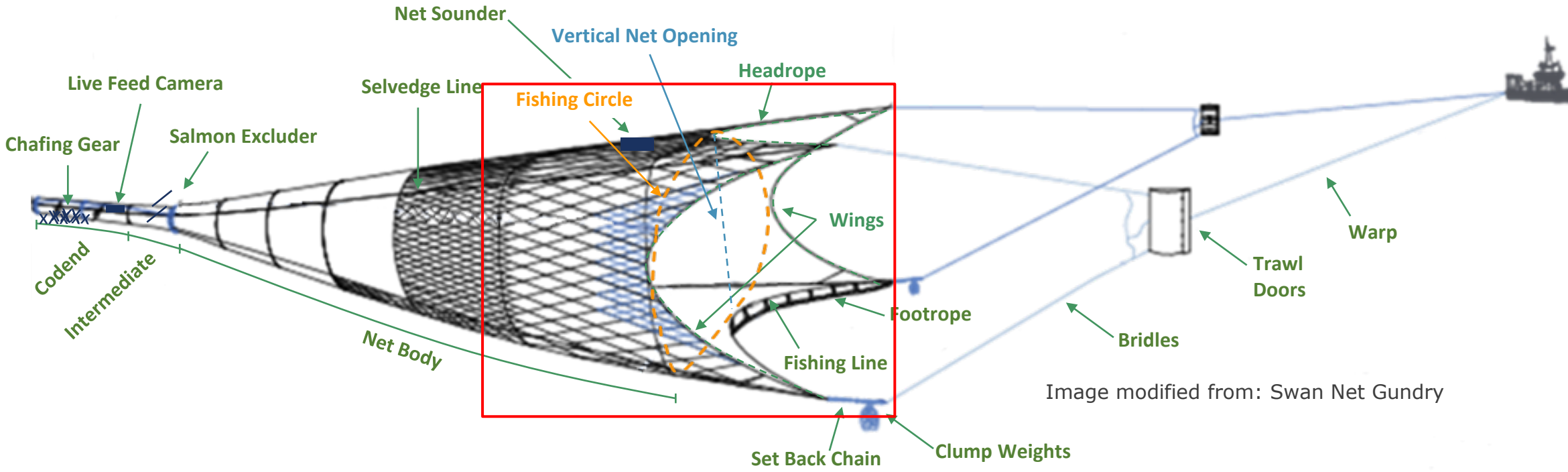


Image modified from: Swan Net Gundry

(iii)(B) Has no parallel lines spaced closer than 64 inches (162.6 cm) from all points on the fishing line, headrope, and breast lines and extending aft to a section of mesh, with no stretched mesh size of less than 60 inches (152.4 cm) extending aft for a distance equal to or greater than one half the vessel's LOA;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

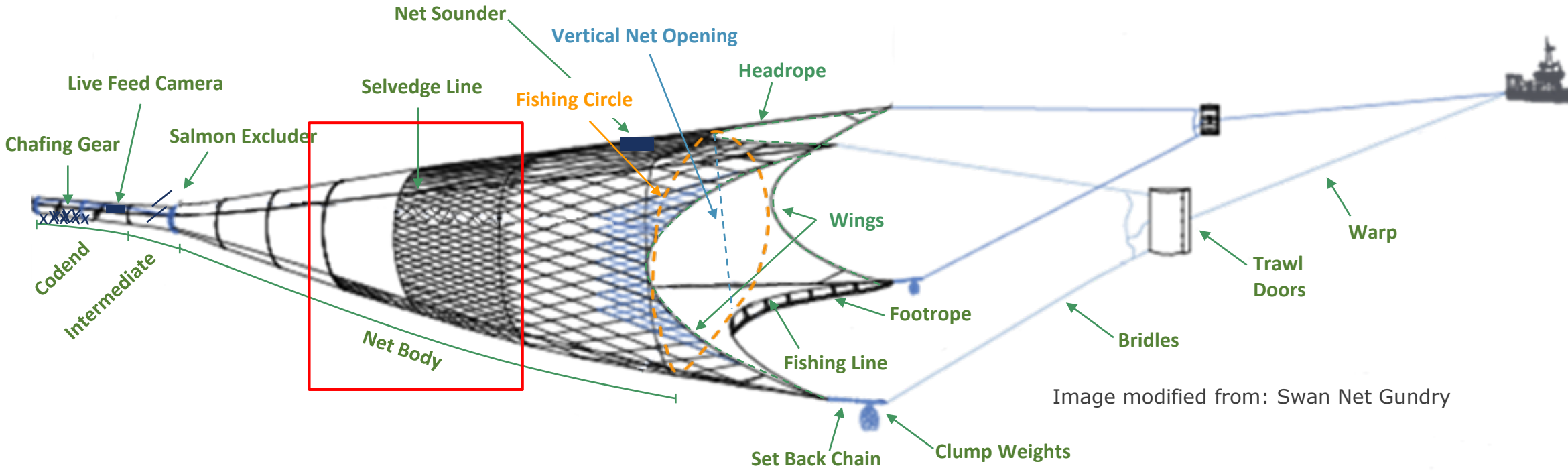


Image modified from: Swan Net Gundry

(iv) Has no stretched mesh size less than 15 inches (38.1 cm) aft of the mesh described in paragraph (14)(iii) of this definition for a distance equal to or greater than one-half the vessel's LOA;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

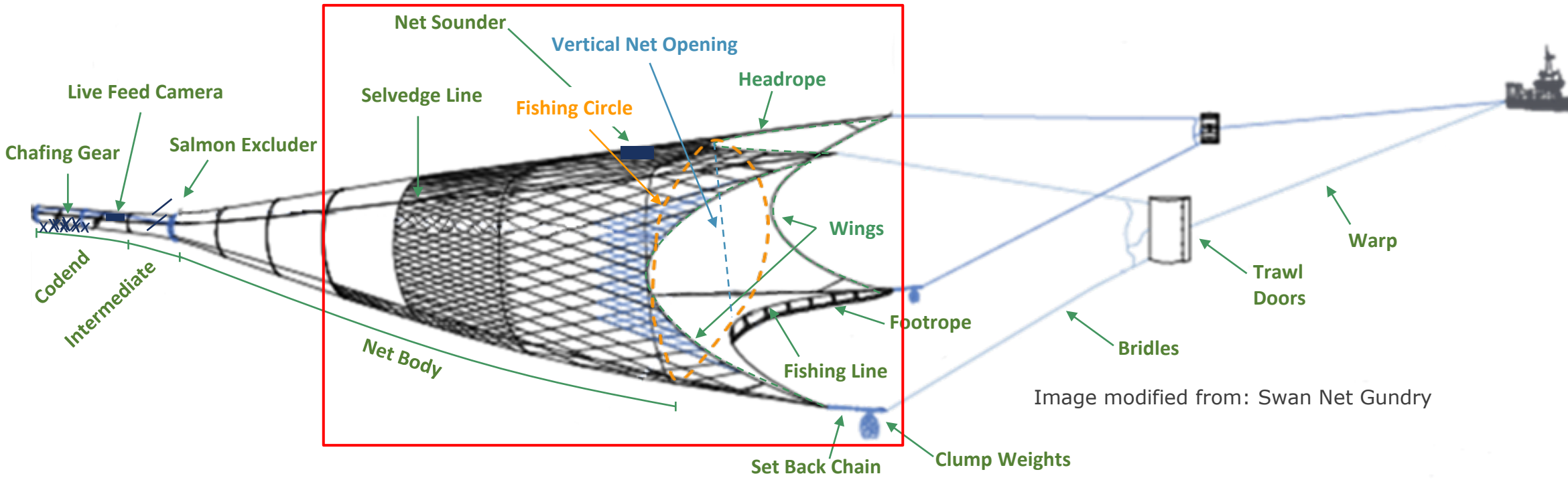


Image modified from: Swan Net Gundry

(v) Contains no configuration intended to reduce the stretched mesh sizes described in paragraphs (14)(iii) and (iv) of this definition;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

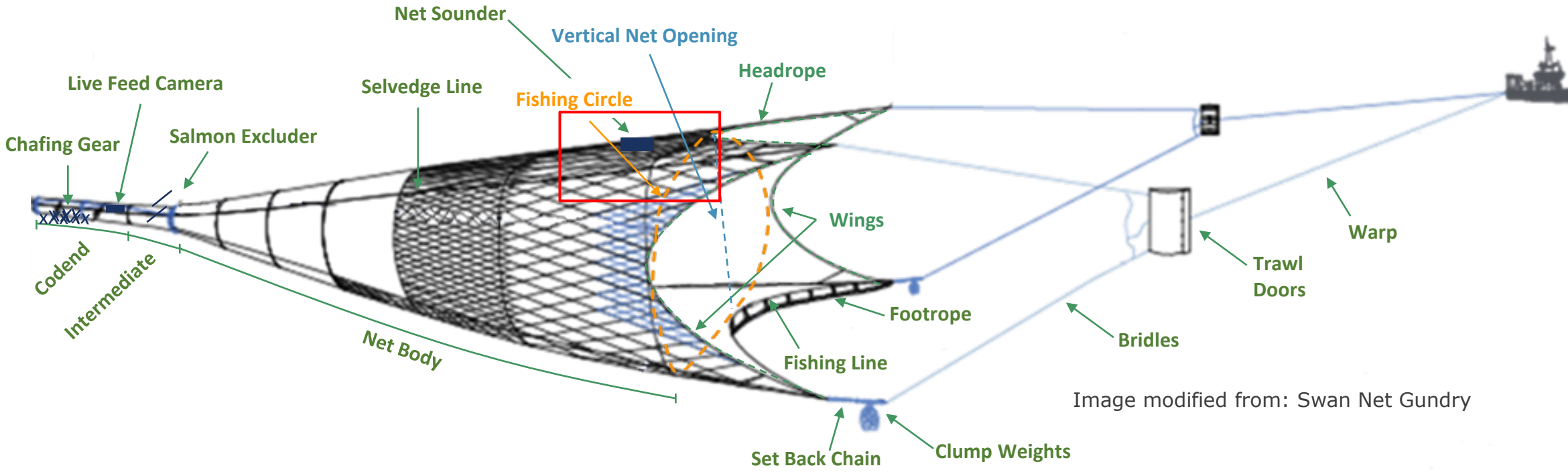


Image modified from: Swan Net Gundry

(ix) May have small mesh within 32 ft (9.8 m) of the center of the headrope as needed for attaching instrumentation (e.g., net-sounder device);

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

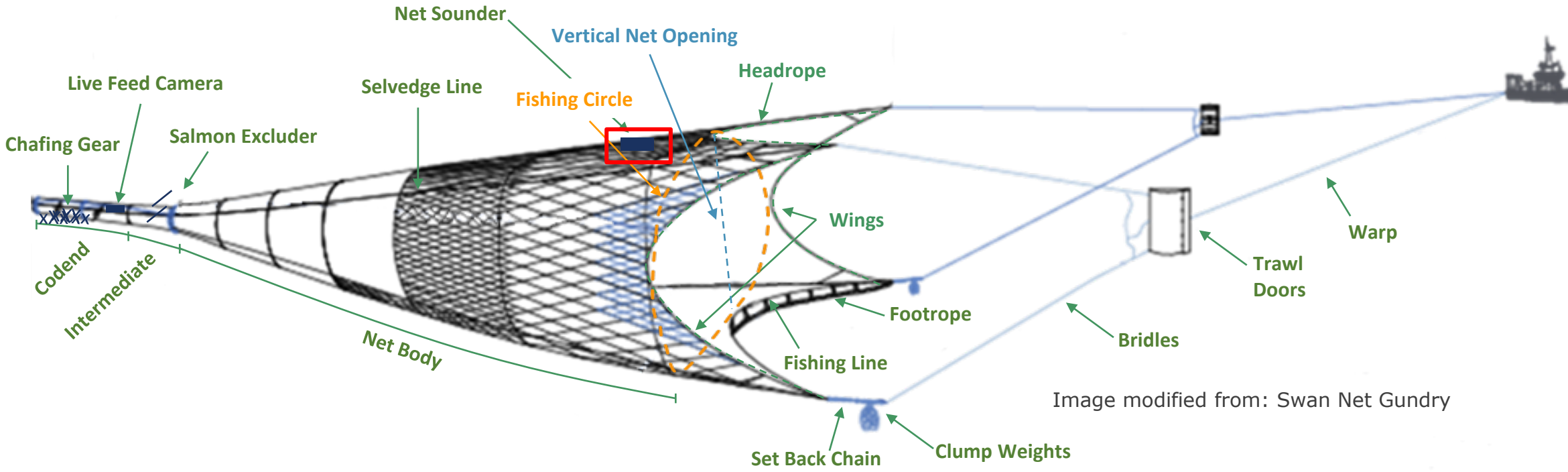


Image modified from: Swan Net Gundry

(vi) Has no flotation other than floats capable of providing up to 200 lb (90.7 kg) of buoyancy to accommodate the use of a net-sounder device;

§ 679.2 “Authorized Fishing Gear”(14)

Pelagic trawl gear means a trawl that:

Section 3.1 pg. 19

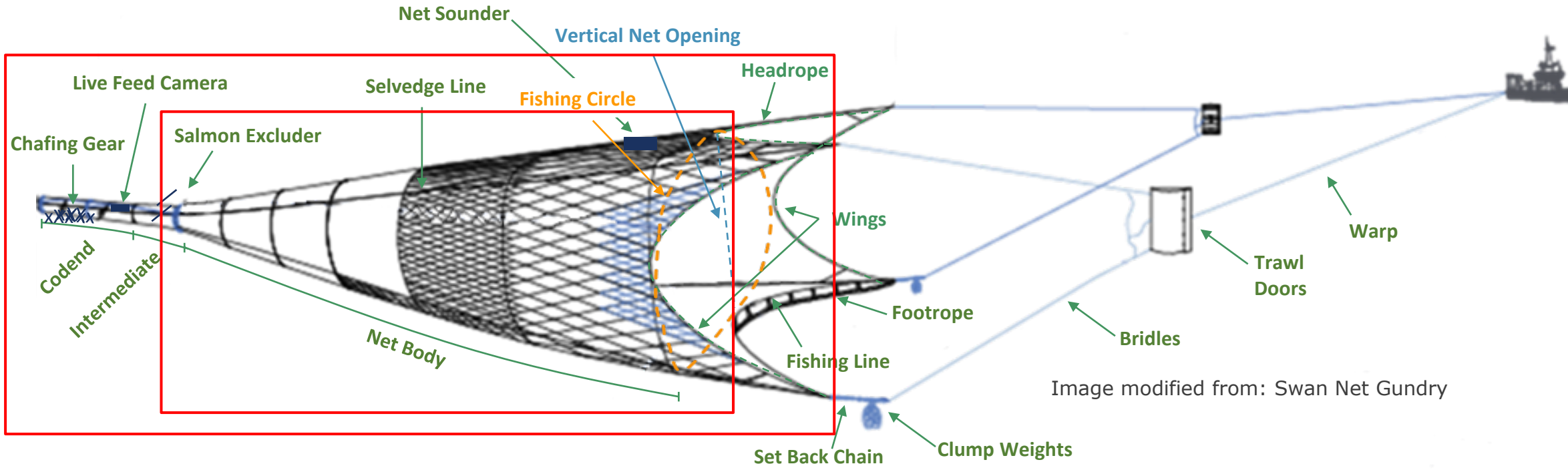


Image modified from: Swan Net Gundry

(viii) Has no metallic component except for connectors (e.g., hammerlocks or swivels) or a netsounder device aft of the fishing circle and forward of any mesh greater than 5.5 inches (14.0 cm) stretched measure;

Where metallic components are allowed

Section 3.1, pg. 19
Section 4.1, pg. 32-33

[Pelagic Trawl Gear]

(viii) Has no metallic component except for connectors (e.g., hammerlocks or swivels) or a net-sounder device aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure;

- **Example a:** The only metallic components allowed in pelagic trawl gear (other than the listed exceptions) are connectors and a net sounder device and they must be located aft of the fishing circle and forward of mesh greater than 5.5 inch stretched measure.

- **Example b:** While any metallic components are allowed elsewhere in the net, only connectors and a net sounder device are allowed in the section aft of the fishing circle and forward of mesh greater than 5.5 inch stretched measure.

Where metallic components are allowed

Section 3.1, pg. 19
Section 4.1, pg. 32-33

[Pelagic Trawl Gear]

(viii) <u>Has no metallic component except for connectors (e.g., hammerlocks or swivels) or a net-sounder device</u> aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure;

- **Example a:** The only metallic components allowed in pelagic trawl gear (other than the listed exceptions) are connectors and a net sounder device and they must be located aft of the fishing circle and forward of mesh greater than 5.5 inch stretched measure.

- **Example b:** While any metallic components are allowed elsewhere in the net, only connectors and a net sounder device are allowed in the section aft of the fishing circle and forward of mesh greater than 5.5 inch stretched measure.

§ 600.10
Codend means:

Section 3.1 pg. 18

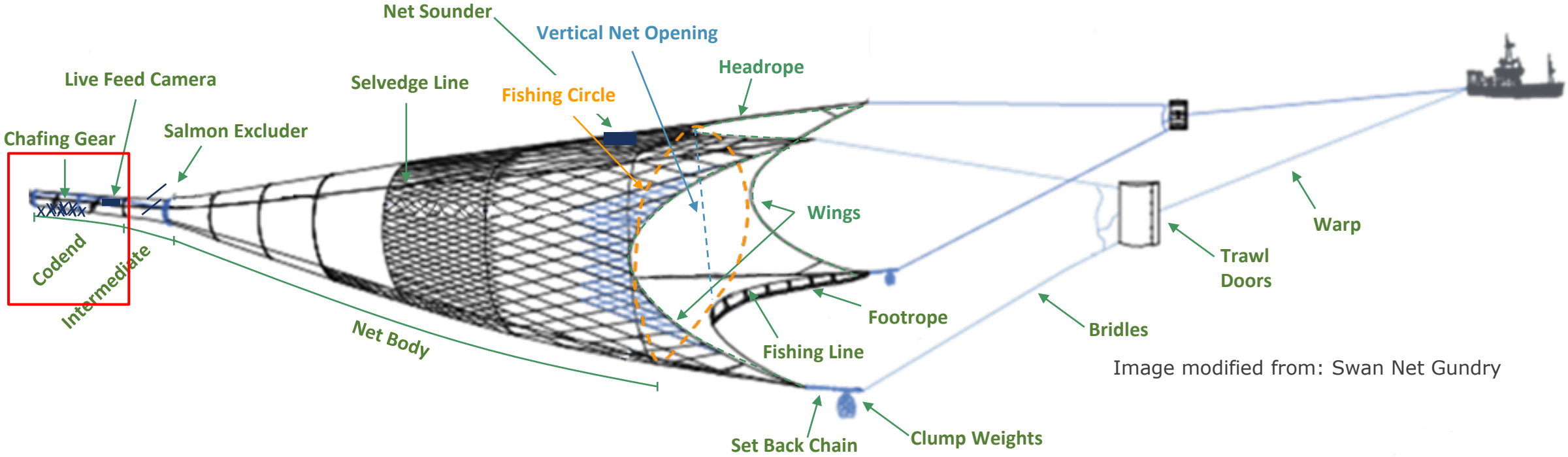


Image modified from: Swan Net Gundry

The terminal, closed end of a trawl net.

Alternative 1: Status Quo

Section 2.1 pg. 12
Section 4.1 pg. 31

< 5.5 inch stretched mesh (Codend and some intermediate)

- no flotation
- unclear: metallic components

> 5.5 inch stretched mesh and aft of fishing circle

- flotation (200 lb buoyancy) allowed only to support one net sounder
- connectors (hammer locks or swivels) allowed
- a net sounder is allowed
- minimum mesh size to ensure large spacing to reduce bycatch

Forward of the fishing circle

- no flotation
- Can have two weighted lines on bottom of trawl between wingtip and footrope
- wingtips can have weights
- unclear: metallic components
- most likely to contact sea floor

Alternatives and Options:

Alternative 1: Status Quo (no change)

Alternative 2: Revise regulations at 50 CFR 679.2 that define authorized fishing gear for pelagic trawl gear and trawl gear to:

- **Option 1: Exclude the codend from limitations applicable to the trawl net.**
- **Option 2: Remove outdated text related to parallel line trawls.**
- **Option 3: Allow the use of flotation for bycatch excluder devices.**
- **Option 4: Allow hardware that secures technology to the trawl as long as the hardware does not appreciably change the intended performance of the trawl. Technology that may need to be secured to the trawl includes live-feed cameras, flow sensors, etc.**

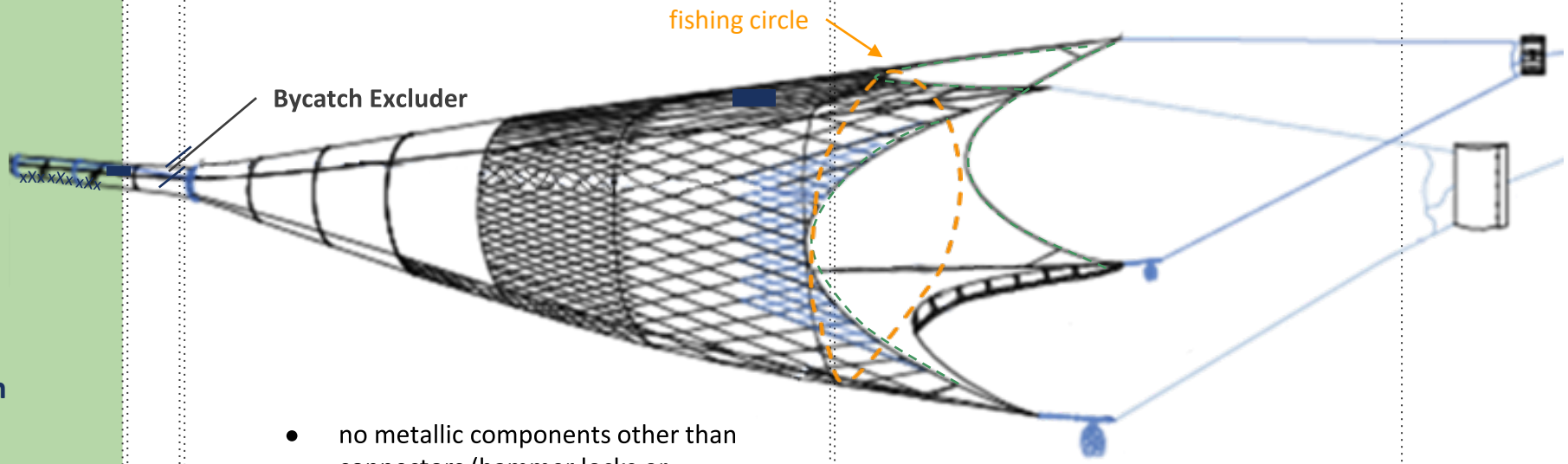
Alternative 2, Option 1: Exclude the codend

Section 2.2.1 pg. 14
Section 4.2.1 pg. 34

Codend (< 5.5 inch stretched mesh)

- **allow flotation**
- **allow metallic components**
- **allow technology**

> 5.5 inch stretched mesh and aft of fishing circle



- no metallic components other than connectors (hammer locks or swivels)
- a net sounder is allowed
- flotation (200 lb buoyancy) allowed to support one net sounder

Forward of the fishing circle

- Can have two weighted lines on bottom of trawl between wingtip and footrope
- wingtips can have weights
- no other metallic components between wingtips and fishing circle
- no flotation

Image modified from: Swan Net Gundry

Alternative 2, Option 1: Exclude the codend

Section 2.2.1 pg. 14
Section 4.2.1 pg. 34

The codend functions to collect fish caught

- Metallic components
  - chain riblines
  - catch sensors
- Flotation

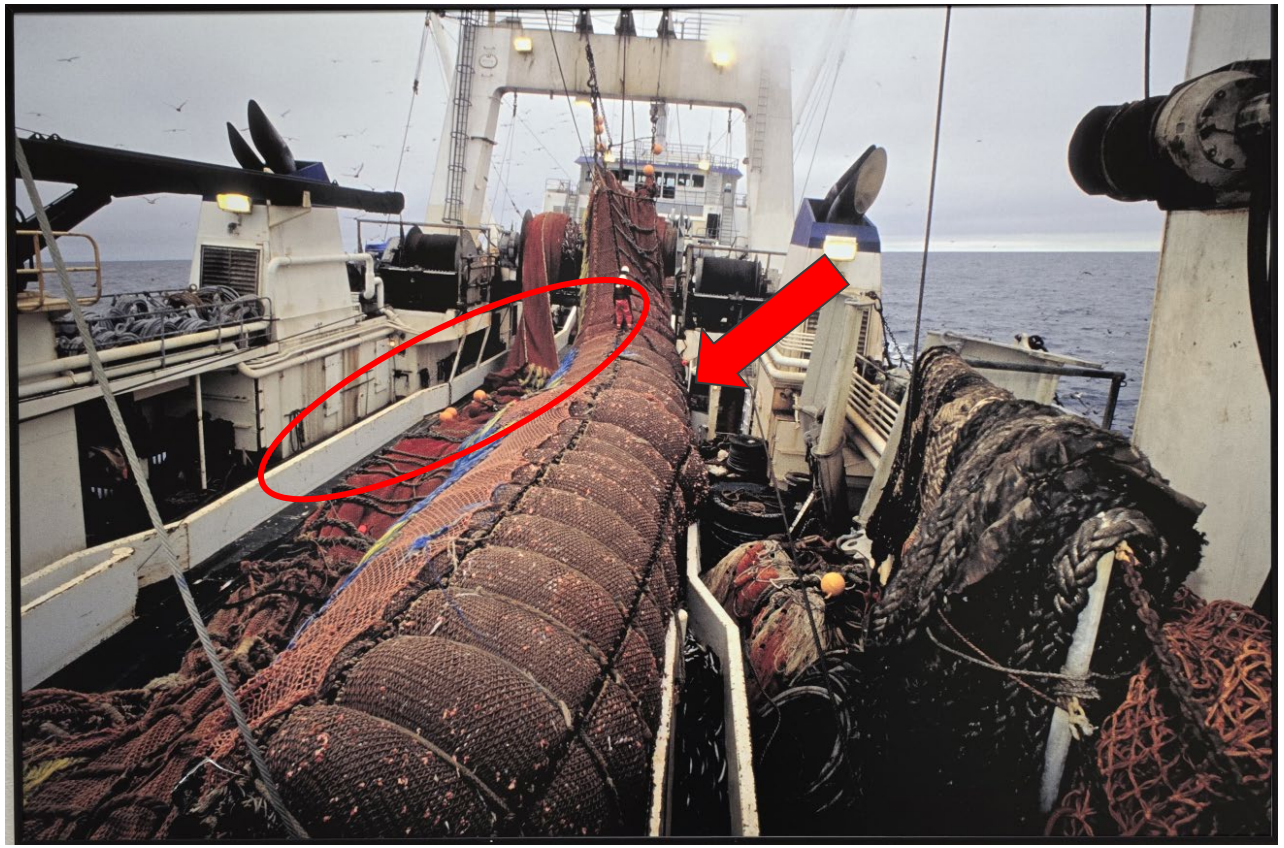


Image credit: NOAA Fisheries

Alternative 2, Option 2: Remove outdated text relating to parallel line trawls

Section 2.2.2 pg. 14
Section 4.2.2 pg 35

679.2 “authorized Fishing Gear”(14)(iii)(B) [Pelagic Trawl gear] Has no parallel lines spaced closer than 64 inches (162.6 cm) from all points on the fishing line, headrope, and breast lines and extending aft to a section of mesh, with no stretched mesh size of less than 60 inches (152.4 cm) extending aft for a distance equal to or greater than one-half the vessel's LOA;

- Parallel line trawls are obsolete

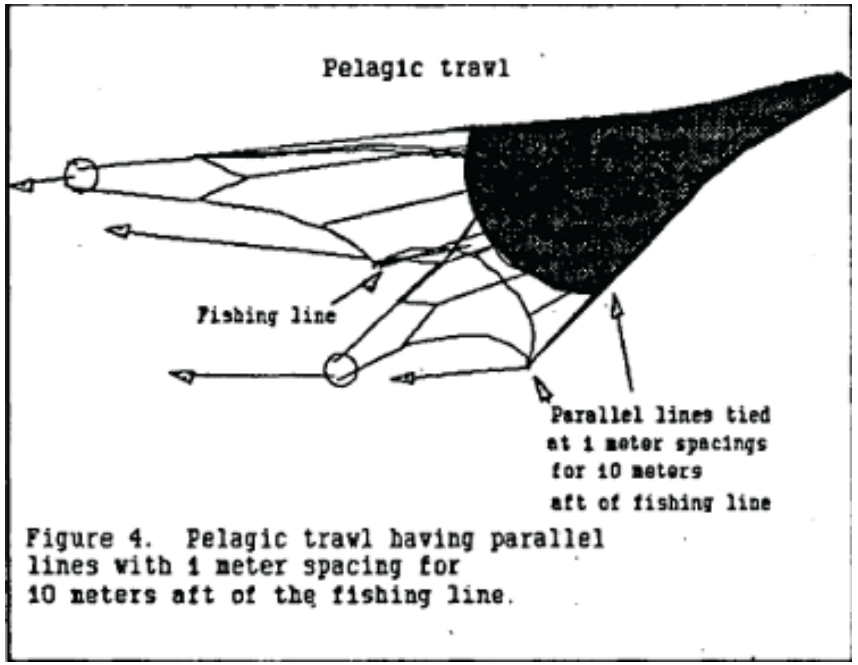


Figure 4. Pelagic trawl having parallel lines with 1 meter spacing for 10 meters aft of the fishing line.

Image credit: NOAA Fisheries

Alternative 2, Option 3: Allow flotation in bycatch excluder devices

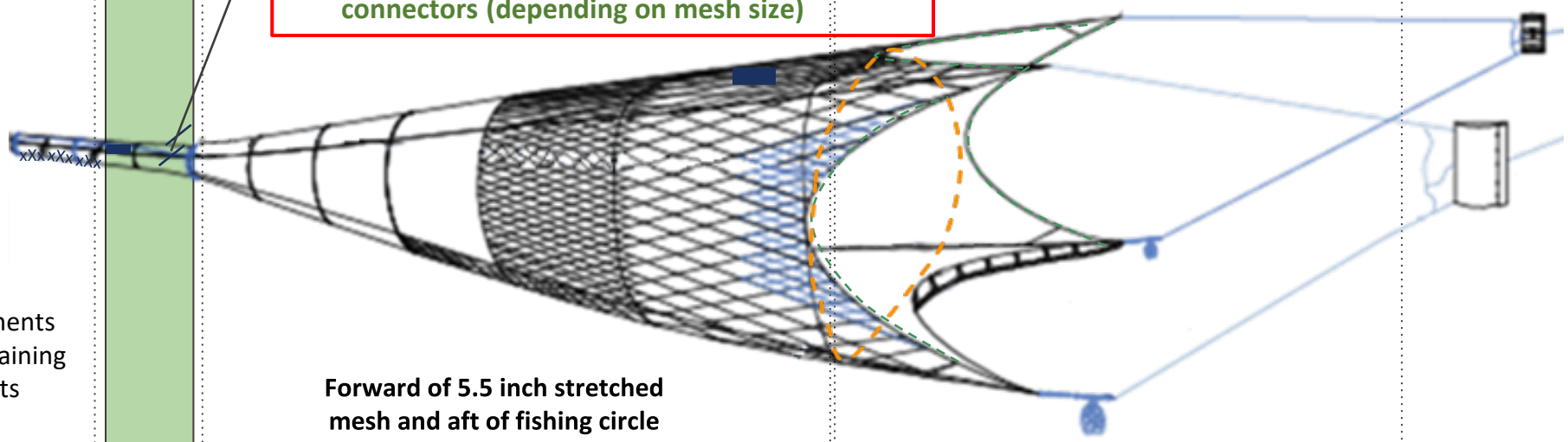
Section 2.2.3 pg. 15
Section 4.2.3 pg. 36

Codend
(<5.5 inch stretched mesh)

- no flotation
- no metallic components
- no electronics containing metallic components

Bycatch Excluder Device

- Allow flotation
- any or no metallic components other than connectors (depending on mesh size)



Forward of the fishing circle

- Can have two weighted lines on bottom of trawl between wingtip and footrope
- wingtips can have weights
- no other metallic components between wingtips and fishing circle
- no flotation

Forward of 5.5 inch stretched mesh and aft of fishing circle

- connectors (hammer locks or swivels) allowed
- a net sounder is allowed
- flotation (200 lb buoyancy) allowed to support net sounder

Image modified from: Swan Net Gundry

Bycatch Excluder Device design

Section 3.2.3, pg. 24

"Flapper" style salmon excluder tested in 2013.

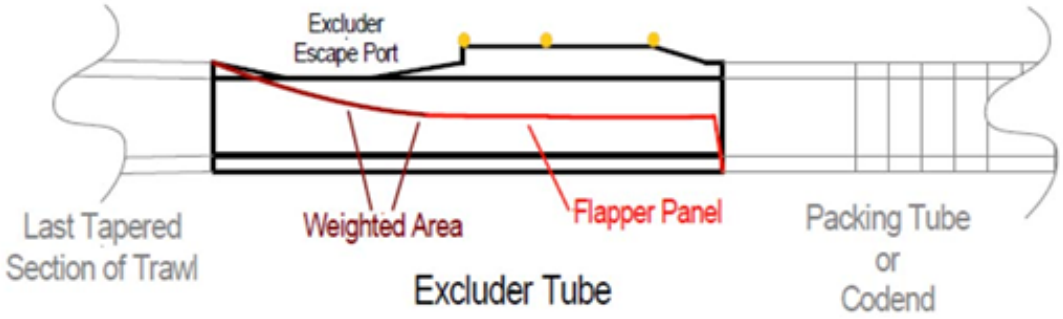


Image credit: EFP 2013-1, March 2015

"Over/Under" style salmon excluder tested in 2014.

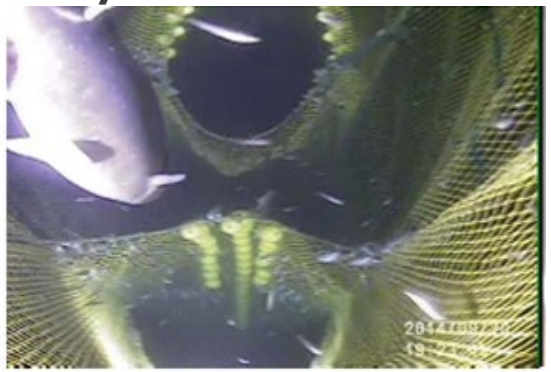


Image credit: EFP 2013-1, March 2015

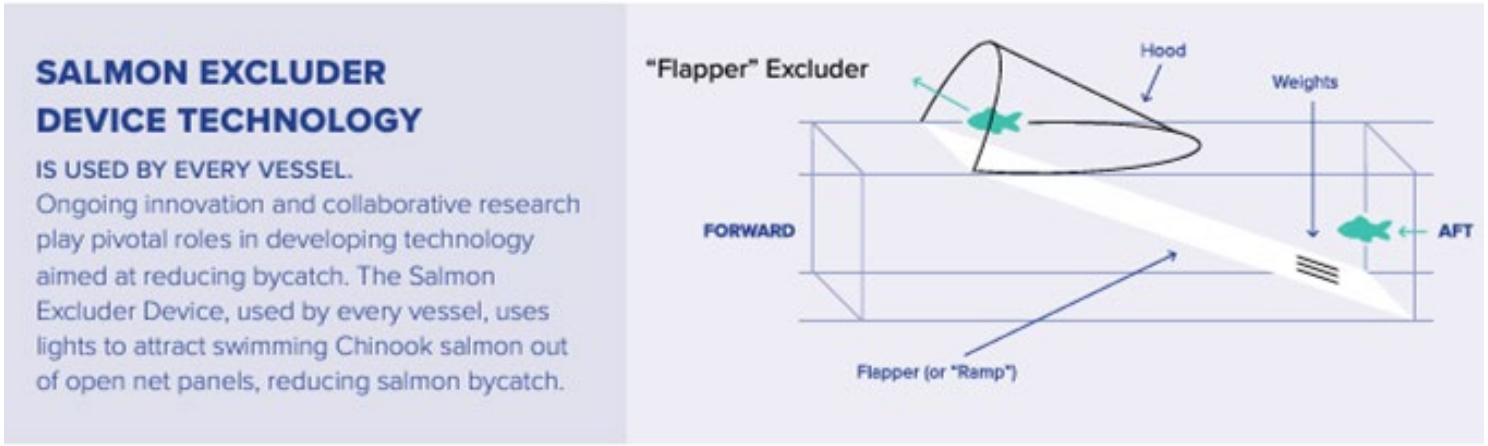
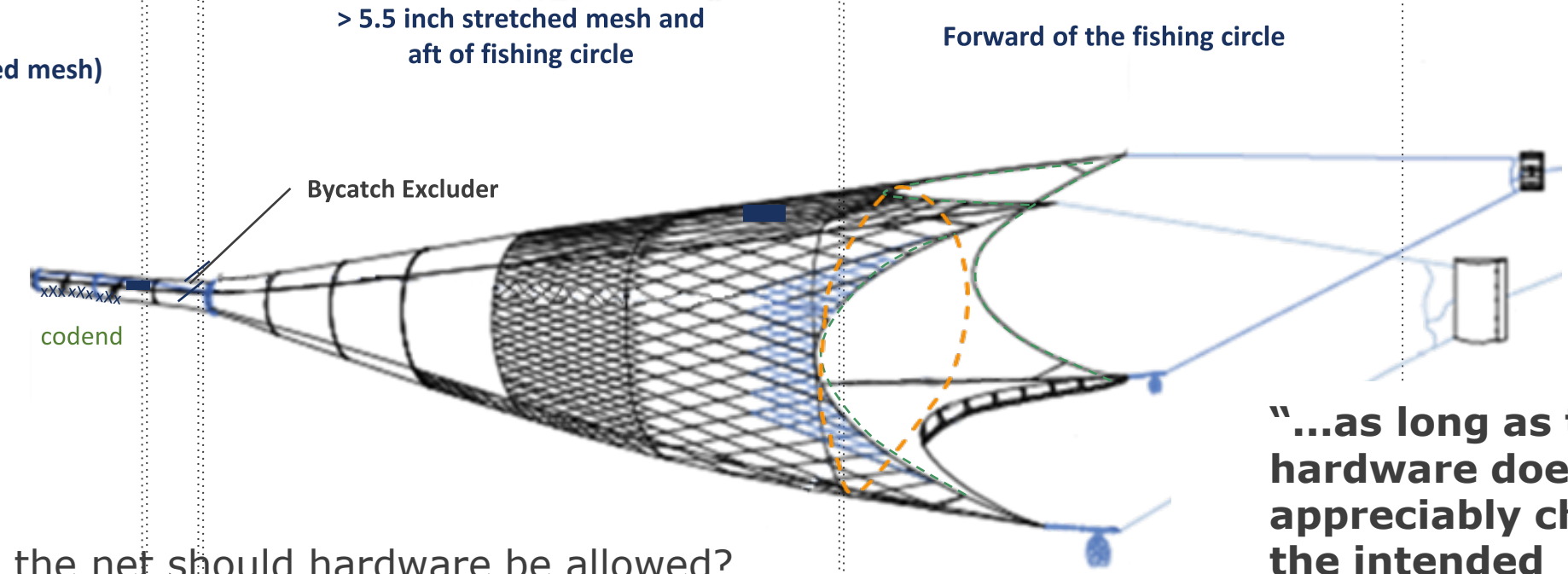


image credit: Pollock Conservation Cooperative

Alternative 2, Option 4: Allow hardware securing technology to the net…

Section 2.2.4, pg. 15
Section 4.2.4, pg. 36



- Where in the net should hardware be allowed?
- What is the purpose of the technology that is intended to be allowed in addition to a net sounder?

"…as long as the hardware does not appreciably change the intended performance of the trawl."

Image modified from: Swan Net Gundry

Next steps

Executive Summary, Next Steps pg. 4

Scope of Options 3 and 4:

- Are there discrete modifications that could be made to Options 3 and 4 to more clearly delineate between this action and the intended scope of the separate action to incentivize gear innovation?
- Information on the cost, benefits, and impacts of each change are requested at this meeting.

Impact Analysis:

- Depending upon direction from the Council, Analysts will prepare a full analysis of impacts for the next review draft.
- If this action should continue to be considered separate from the ongoing work to incentivize pelagic trawl gear innovation, analysts have posed questions intended to help the Council clarify its intent for Option 3 and Option 4.
- If the scope of this action is expanded to address the performance standard or gear innovations, the scope of analytical work would also be expanded.

Contact information

Caleb Taylor

caleb.taylor@noaa.gov

(907) 586-7642

Alicia Miller

alicia.m.miller@noaa.gov

(907) 586-7122