

**ADVISORY PANEL**  
**Motions and Rationale**  
**April 5-7, 2023 - Anchorage, AK**

**C5 Greenland Turbot**

The AP recommends Council take Final Action and selects its preliminary preferred alternative for this action as its final preferred alternative (shown in bold).

**Purpose and Need**

Whale depredation is precluding directed fishing for Greenland turbot by commercial hook-and-line (HAL) gear vessels in the Bering Sea. Participation in this fishery has been a significant source of income for a number of HAL CP vessels that primarily target Pacific cod. The importance of turbot fishing increased for these vessels as Pacific cod TACs in the Bering Sea saw major declines between 2012 and 2021. Although single pot gear is currently authorized for Greenland turbot, single pots have not been deployed because of their inefficiency in the depth and location where the fishery occurs. A regulatory amendment that would allow vessels to use longline pots when fishing for Greenland turbot would likely resolve the depredation problem and allow this fishery to resume. Other benefits of reduced whale depredation on Greenland turbot could include improved catch accounting for managers, and data quality for the Greenland turbot stock assessment. The use of longline pots could disrupt historic and current participants in the HAL CP and the Amendment 80 sectors should it encourage new entrants with no previous activity in the fishery.

**Alternatives**

- Alternative 1. No action (longline pot gear is not authorized for Greenland turbot in the Bering Sea).
- Alternative 2. Authorize the use of longline pot gear when directed fishing for Greenland turbot in the Bering Sea subarea.
- **Alternative 3. Authorize the use of longline pot gear only for vessels in the HAL CP sector when directed fishing for Greenland turbot in the Bering Sea subarea.**
  - o **Option 1. Exemption from the 9-inch maximum tunnel opening restriction. (The 9-inch maximum tunnel opening requirement does not apply to longline pots used to directed fish for Greenland turbot in the BS subarea.**

*Motion passed 12/5*

Rationale in Favor of the Motion:

- *This motion is a very specific response to a very specific problem. This action reflects the Preliminary Preferred Alternative unanimously approved by both the AP and Council during Initial Review of this action in October 2022.*
- *This action would provide a gear allowance to provide the current participating fixed gear vessels in the fishery to utilize longline pots and resume their harvest in the fishery. It does not remove harvest opportunities from other vessels using existing gear. Consistent with the analysis, this action should not limit entry, nor should it close the door for other sectors to identify innovations that may facilitate their participation in the fishery.*
- *As evidenced by public comments, Alternative 2 could result in an influx of entrants outside of the freezer longline fleet, including vessels that have not participated in the fishery for 10-20 years. Given the small size of the fishery, even a few additional participants outside of the freezer longline fleet could result in the closing of the directed fishery altogether to avoid the TAC being exceeded since the Greenland turbot ABC is very low and is projected to continue to decline, particularly without a slope survey to inform the assessment.*
- *The cooperative agreement between the FLC sector and the Amendment 80 sector has been in place for many years, initially created in response to a Council request to work outside the regulatory process. Alternative 2 would jeopardize the effectiveness of that agreement.*
- *An Alaska Native Corporation and multiple CDQ groups have investments in the FLC sector and the opportunity to access turbot more easily through these platforms may create downstream positive effects for the individuals that benefit from programs paid for by those organizations.*
- *The FLC fleet is under 100% observer coverage with historically reliable data quality. Alternative 2 could include many vessels in the partial coverage fleet.*
- *The proposed exemption to the 9-inch tunnel opening restriction on longline pots is an important element to carry forward in this action. The analysis notes that removing the 9-inch tunnel opening requirement would be preferred by NOAA enforcement in that it would provide consistency between fisheries. Fishery participants cite the importance of a larger opening to facilitate successful harvest of Greenland turbot with longline pot gear*

Rationale in Opposition to the Motion:

- *In October of 2022, language was added to the initial motion that significantly changed the intent of the original language of this action. The original action was inclusive of the entire HAL fleet and the new language changes that from sector wide to an action that benefits approximately 4-9 out of 77 currently eligible LLP holders.*
- *The purpose and needs statement identifies whale depredation as a barrier to the directed greenland turbot HAL fleet's viability. Alternative 3 does not solve the problem of whale depredation for that sector, but creates a solution to an exclusive subsection of that sector; thus making that small number the only viable harvesters within an eligible fleet.*
- *Alternative 3 creates excessive privilege for a small sector of the HAL fleet which is not in line with MSA National Standard 4.*
- *AP discussion noted that multiple members on the AP voted in favor of this PPA in October 2022 as to not hold up the action and help the FLC resume fishing practices with a more effective gear type. However, these members have expressed regret in not showing opposition to the changes between Alternative 2 and 3 in the previous meeting to show consistency with their current views of Alternative 3 creating excessive privilege and excluding other historical or new participants in the fishery.*

**Substitute Motion**

Choose Alternative 2 as the Preferred Alternative

Alternative 2. Authorize the use of longline pot gear when directed fishing for Greenland turbot in the Bering Sea subarea.

*Substitute motion failed 5/12*

Rationale in Favor of Substitute Motion:

- *Alternative 2 encompasses the initial intent of this request by the FLC when it was first brought to Council attention in 2020 and in the first discussion paper in 2022. It addresses the need for a change in gear type to decrease whale depredation on a directed fishery.*
- *Longline pots have been proven effective to decrease whale depredation in other similar directed fisheries and there is unanimous support for this gear type to be recognized as legal for this fishery. However, to restrict use of this gear type to a very small sector of LLP's is in violation of MSA National Standard 4 by granting excessive privilege to a small share of the historical participants in this fishery.*
- *If LLP holders not in the FLC intend to fish for Greenland turbot with this gear type they will have to completely revisit this process. This would most likely utilize excessive staff time and resources to repeat this analysis and lengthy process. At this time, there does not appear to be a large number of vessels interested in this niche fishery, therefore a large risk of undermining the current participation does not seem imminent.*

Rationale in Opposition of Substitute Motion:

- *This action was brought forth by the LL CP sector to solve a very specific problem that was constraining the operability of some of their vessels, especially in light of declining cod TACs. The only other historical user of the greenland turbot TAC is the Amendment 80 sector, who has entered into a voluntary agreement with the LL CP sector since 2015 to ensure both sectors can continue to operate despite declining and potentially limiting turbot TACs. The A80 sector voiced unanimous support for the LL CP sector and alternative 3.*
- *In October 2022, the Council unanimously accepted Alternative 3 as its preliminary preferred alternative, which signals the validity of the alternative especially since there have been no circumstances in the fishery that have changed between October 2022 and the AP revisiting it for final action this week.*
- *Even though the likelihood of increased participation under Alternative 2 is relatively small, the contention and disagreement on the issue alone shows an increased potential for interruption of the LLCP and A80 sectors voluntary agreement. In light of declining turbot TACs, any uncertainty in the fishery, including the rogue addition of a couple CVs that fail to cooperate with the historical participants could rightfully cause NMFS in season management to prevent opening the directed turbot fishery or close it early, which could affect the LLCP and A80 sectors' ability to operate.*
- *The nature of the greenland turbot fishery and how it must be prosecuted already naturally excludes most CV participation; selection of alternative 3 simply gives the historical user groups the opportunity to utilize an additional gear type to avoid whale depredation and the relative stability that they can continue to operate unimpeded in collaboration with each other.*