

**ADVISORY PANEL
Motions and Rationale
April 5-8, 2022 - Anchorage, AK**

C1 IFQ Omnibus

The AP recommends the following bolded items for final action (underlined language reflects modifications made to Council's October 2021 motion):

Alternative 1: No action

Alternative 2: Revise IFQ program regulations to address the following regulatory clarifications

Element 1: Clarify that “slinky pots” are a legal gear for the IFQ fishery and CDQ fisheries, and revise regulations to allow the use of biodegradable twine in the door latch or pot tunnel.

Element 2: Remove buoy configuration, radar reflector, and flagpole requirements in regulation but retain “LP” marking requirement and for SE and WY, retain flagpole requirement.

Element 3: Authorize jig gear as a legal gear type for the harvest of sablefish IFQ and CDQ.

Element 4: Revise the pot gear configuration requirements to remove the nine-inch maximum width of tunnel opening so it does not apply when a vessel begins a trip with unfished halibut IFQ onboard.

Option: Remove the nine-inch maximum width of the tunnel opening for vessels targeting IFQ sablefish.

Element 5: Pot Limits

Option 1: Change the Pot Limit for Western Yakutat and/or Southeast Outside to

¹~~Suboption a) 160 pots per vessel~~

¹Suboption b) 200 pots per vessel

Suboption c) 300 pots per vessel

Element 6: Gear Retrieval requirements

Option 1: Remove the gear retrieval requirement

Option 2: Modify the gear retrieval requirement to 7 days for the CG all GOA areas

Suboption: 3 days in SEO

Alternative 3: Remove Adak CQE residency requirement for a period of five years. Note: Alternatives 2 and 3 are not mutually exclusive

*Amendment 1 (to replace suboption) passed 14-3
Main Motion as amended passed 17-0*

Rationale in Favor of Amendment 1

- *While many IFQ vessels may be able to successfully harvest their quota under the current 120 pot limit, it is important to recognize that this is not the case for all operations in the GOA and 200 pots represents more of a compromise for those larger operations. Not all operations will automatically increase to the 200 pot limit level under this Element, but it will provide an important opportunity to improve efficiencies for those operations that can. Concerns about grounds congestion under an increased 200 pot limit are balanced with the modified language contained under Elements 2 and 6 that focus on specific regions where concerns are the greatest.*
- *As noted in public testimony, estimates from those on the grounds state that whale predation is on the order of 30%, which is greater than the current assessment estimate of approximately 17%. An increase in the pot limit will help incentivize the use of pots for those operations that are able, which in turn will decrease the significant level of whale predation that is currently occurring.*

Rationale in Opposition to Amendment 1

- *An increase in the pot limit for WY and SE to 160 would allow for 1-2 more strings of gear to be deployed, which will help with latent time on deck and vessel efficiencies. It was noted in public comment that many IFQ fishermen supported either an increase in pots OR the suboption for 3-day gear retrieval in SE, but not both. The potential for congestion and gear conflicts due to smaller edges and the larger number of QS holders than occur in other areas of the GOA warrants a slow approach to changes and 160 pots was thought to be an adequate incremental step under Element 5. It is important to recognize that not all IFQ organizations and/or fishermen across the GOA are aligned on this Element and that 160 pots is a compromise balance between a pot limit to promote efficiency and gear retrieval requirements to minimize grounds congestion. It is also important to recognize that the majority makeup of the community IFQ sablefish fleet occurs in SE, which accounts for 40% less area when compared to the rest of the GOA.*

Rationale in Favor of Main Motion as Amended:

- *There is widespread support from all IFQ fishermen for the recommended Alternatives and Elements and to further the use of pot gear for IFQ sablefish harvest. The switch to slinky pots especially has made the harvest of sablefish more efficient as well as accessible to vessels of all sizes and classes. The catch per unit of effort continues to increase with changes to the pot configurations, use of escape rings, and potentially increasing the tunnel opening. Overall, actions to further the effectiveness of pot fishing are warranted while also minimizing gear conflicts and recognizing the geographic and socioeconomic differences between regulatory areas and regions.*
- *Regarding Element 1, it is important to allow biodegradable panel on the door latch or tunnel opening so as to not compromise the integrity of the pot mesh while still minimizing ghost fishing by lost pots.*

- *For Element 2 and its modified language, it is important to simplify gear marking requirements by eliminating requirements for extra buoys, radar reflectors, and in the Central/Western Gulf, flagpoles. This recognizes that this extra gear is unnecessary, and flagpoles are at times dragged underwater in the strong currents of the Central and Western Gulf. In response to public comment, the LP markings for all pot sets and the flagpole requirements for both ends of sets in the SE and WY areas are retained. This recognizes that flagpoles make gear more visible and that in the more crowded fishing grounds of SE/WY the enhanced visibility is important to reduce gear conflicts.*
- *For Element 3, allowing the use of jig gear will provide an entry level opportunity for owners of small boats and a diversification option for the existing small boat jig fleet.*
- *Under Element 4, it is important to include the words “unfished halibut IFQ” in this amendment as to not increase any potential for incidental halibut catch. The 9-inch tunnel opening was originally intended as a halibut excluder to reduce incidental catch of halibut. At current configuration with a 9-inch opening, small but legal halibut easily enter groundfish pots. Without the intent to harvest halibut or ability to retain the catch it is important to not encourage a pot configuration that is intended to catch halibut.*
- *Element 6 and its modified language to change the existing gear retrieval requirement for CG from 5 days to 7 days and leave all other regions, especially WY and SE, at status quo recognizes that safety is a priority concern and untended gear in a geographically smaller region such as SE will likely create more gear conflicts. Such conflicts cause snarls and tight hauls and are more likely to result in unsafe conditions and delays that would outweigh having to haul the gear (which is already done in the fishing process) and bring it to town when you leave the grounds.*
- *Regarding gear on the grounds and retrieval requirements, if in the future the FCC allows the use of AIS beacons (or current prototype technology that is legal under the FCC restrictions becomes more accessible), this issue could easily be revisited. Anyone who has been on the ocean can recognize the difficulty in seeing a buoy or flagpole on the horizon. It is common practice to make a radio call on Channel 16 to ask if anyone has gear in the area where you intend to set. If the gear has been left unattended and a radio call is not answered because the vessel is in town, it is highly likely that gear conflicts will occur, especially in the areas most accessible from town that support the fleet of owner operated vessels. The efficiency noted from being able to leave gear on the grounds may create inefficiencies for vessel operators who may have to run an extra 20-50 miles to find a place to set. Preemption of the fishing grounds through untended gear will effectively allow a vessel to “camp out” on a spot for multiple weeks to months by not having to bring their gear into town. In SE, 23% of the vessels are under 49 ft in length and many vessels, including the larger sizes, fish less than the SE quota cap. The ability to fish 5,000 lbs to 50,000 lbs of IFQ sablefish close to ocean entrances is an important aspect of maintaining an accessible fishery and the owner operator provisions, which were instrumental in the creation of the IFQ program. Further, stability objections once associated with the gear retrieval requirement have been largely addressed with slinky pot gear and a vessel should only utilize as much gear as they can transport as was the case when the fishery was strictly HAL. The current option to request a waiver from NMFS to leave gear untended in the event of severe weather or mechanical failure is already in place and should only be considered when such events occur.*
- *Regarding Alternative 3, Adak representatives have indicated that this action is necessary to promote stability and allow time for the community to recover from the impacts of COVID-19*

and to attract new opportunities and investments in their local processing plant. The Adak CQE has a history of prioritizing access for its community members and it is anticipated that this will continue as before. Additionally, allowing some temporary flexibility in residency requirements will help prevent the stranding of CQE shares and provide some interim revenue generation to further community stability initiatives.