

Enforcement Committee Agenda

December 9, 2014

1pm – 4pm

Hilton Hotel, Room is TBA

Anchorage, Alaska

I. C-6 Allow the Use of Pot Longline Gear in the Gulf of Alaska Sablefish Individual Fishing Quota Fishery – Initial Review

Background

The Council is considering amendments to the Fishery Management Plan for Groundfish of the Gulf of Alaska and regulations to allow the use of pot longline gear in the Gulf of Alaska (GOA) sablefish individual fishing quota (IFQ) fishery. Currently, the IFQ sablefish fishery is conducted with hook-and-line (HAL) gear and experiences extreme whale depredation. Depredation has negative consequences for the sablefish IFQ fleet through reduced catch rates and increased operating costs. Depredation also has negative consequences for the whales through increased risk of vessel strike, and for whales and seabirds through gear entanglement and altered foraging strategies. An additional management concern stems from the impact that whale depredation may have on the accuracy of fish stock abundance indices. The action is proposed to minimize fishery interactions and potential entanglements with marine mammals and seabirds, adverse impacts on the sablefish IFQ fleet from depredation by sperm whales and killer whales, and gear conflicts that could result from allowing pot longline and HAL gear to fish in the same regulatory areas.

The analysis examines the Council's proposed action alternative, Alternative 2 that would apply exclusively to a pot longline fishery for sablefish in the GOA IFQ fishery. Alternative 2 includes 4 elements: (1) pot limits; (2) gear retrieval; (3) gear specification; and (4) retention of incidentally caught halibut. Elements 1 through 3 have additional options. Analysts have streamlined the options for analysis and suggested a potential option under Element 4 for a halibut MRA in a sablefish IFQ pot longline fishery in the GOA. This suggestion is based on the Council's intent that retained halibut bycatch in sablefish IFQ pot longline gear be "incidental" in nature. The Enforcement Committee has previously considered Council discussion papers to allow the retention of halibut incidentally caught while targeting sablefish using pot gear in the in the areas where halibut regulatory area 4A overlaps with the Bering Sea and Aleutian Island sablefish management areas, if the harvester holds sufficient halibut and sablefish IFQ to cover both harvests (December 2012, April 2013).

A revised set of alternatives, elements, and options for the proposed action is provided here. No substantive changes have been made; changes reflect the incorporation of status quo options.

Alternative 1. No Action.

Revised Alternative 2. Allow the use of pot longline gear in the GOA sablefish IFQ fishery

Element 1. Limit of 0 to 400 pots (per vessel)

Element 2. Gear retrieval

Option 1. Require vessels to remove their pot gear when making a landing.

Suboption. Provide an exemption for vessels less than 60', 50', or 40'

Option 2. Require the location of pots left on the grounds or lost on the grounds to be submitted when landings are made.

Element 3. Gear specifications

Option 1. Require the use of neutrally buoyant groundline.

Option 2. Require both ends of the pot longline set to be marked

Element 4. Retention of incidentally caught halibut

Allow the retention of halibut caught incidentally in sablefish pots, provided the sablefish IFQ holder also holds sufficient halibut IFQ

Option 1. Allow the retention of halibut caught incidentally in sablefish pots up to an MRA percentage, provided the sablefish IFQ holder also holds sufficient halibut IFQ.

Enforcement

The management measures proposed under the elements of Alternative 2 have management, monitoring and enforcement implications. A pot longline fishery for sablefish in the GOA could be conducted through the combined efforts of Inseason Management, the Observer Program and the Office of Law Enforcement (OLE) as is currently done in the HAL fishery for sablefish in the GOA. However, none of the methods currently used in the HAL fishery, either independently or in combination, could be used to fully monitor and enforce the 4 elements proposed under Alternative 2. Additional duties necessary to fully monitor and enforce the proposed management measures cannot be performed using current agency resources. A summary of monitoring and enforcement under the status quo and a short discussion of the duties necessary to fully monitor and enforce the proposed management measures for each of the elements under the action alternative are provided in Section 4.8 of the analysis, Monitoring and Enforcement. A summary of that section follows.

Element 1 would limit the number of pots that a vessel fishing in a GOA sablefish pot longline fishery could deploy on the fishing grounds during each fishing trip to a specific number no greater than 400 pots. Full monitoring of a sablefish trip pot limit would require a pre-departure gear inspection to verify that the total number of pots a vessel transports for deployment during a trip is less than or equal to the pot limit. OLE does not have the enforcement personnel or resources to conduct dockside inspections in all GOA ports prior to each vessel's departure, and cannot commit to performing dockside inspections in any particular port. Additionally, the Observer Program does not have the expertise to conduct inspections on fishing gear. Therefore, determining the number of pots that a vessel transports for deployment is limited to existing program resources. Alternative approaches based on logbooks, pot tags, and at sea observations are considered in the analysis (see Pot Limits, Section 4.8.2.1).

Element 2 of this action would impact the retrieval of gear in a GOA sablefish IFQ pot longline fishery. Option 1 would require pot longline gear to be removed from the fishing grounds at the time of landing. Sub-option 1 would exempt vessels of a specific size from retrieving their pot longline gear at the time they make a landing. Option 1 and the sub-option are not enforceable because neither OLE officers nor observers can monitor the status of all pots associated with a vessel at all times. Additionally, it would be difficult to verify that valid safety issues existed to require vessels of a specific size to leave gear on the grounds. An alternative approach that would couple a requirement for pot tags with a requirement for logbooks in the sablefish pot longline fishery is evaluated in the analysis (see Gear Retrieval, Section 4.8.2.2).

Element 2, Option 2 would require that the location of pots left on the fishing grounds or lost on the fishing grounds be submitted at the time of landing. NMFS acknowledges the utility of this information but the data is confidential and NMFS does not have the resources to disseminate it in a non-confidential format. An alternative would be to develop new recordkeeping and reporting and a new gear tracking database which would require extensive investment and is beyond the scope of NMFS current resources in Alaska.

Element 3 of this action would require that gear be specified for a GOA sablefish IFQ pot longline, or that specified pot longline gear requirements for sablefish be applied to all groundfish pot gear in all areas. NMFS recommends a separate action be initiated if the Council chooses to apply new pot longline gear requirements to all groundfish pot gear in all areas. Option 1 would require the use of neutrally buoyant groundline in a pot longline set, which is believed to be the current industry standard. Option 2 would require both ends of a pot longline set to be marked. While gear specified in Options 1 and 2 may be useful to the fishing fleet, and NMFS encourages the use of gear construction that enhances the safety as well as the reliable retrieval of gear, these management measures may not be enforceable.

Element 4 would allow halibut that are incidentally caught in pot longline gear to be retained while directed fishing for sablefish in the GOA, provided the sablefish IFQ permit holder also holds sufficient halibut IFQ. NMFS would require that sufficient halibut IFQ are held by permit holders on a vessel to cover the halibut harvested, and that the halibut retained are legal size. The procedures NMFS uses to verify that sufficient halibut IFQ are held by a permit holder onboard a HAL vessel fishing sablefish could be used for a pot longline vessel.

As with Element 4, the option to allow halibut to be retained up to an MRA percentage on a vessel in a sablefish IFQ pot longline fishery would require that sufficient halibut IFQ are held by sablefish IFQ permit holders on the vessel for the area fished and for the vessel size category being fished, and that the retained halibut is legal size. Currently data are lacking to determine the intrinsic rate of halibut harvest in a sablefish pot longline fishery that can be used to set a halibut MRA in the GOA. Accounting for halibut IFQ harvests under an MRA would require halibut retention calculated on a trip-basis by management area and by vessel size category. A decision on the amount of basis species to use in calculating a halibut MRA percentage for each trip is complicated by the different management areas and vessel size categories used to allocate sablefish and halibut IFQ.

Verifying logbook data and enforcing retention and size limit requirements could only be accomplished through OLE dockside inspections at the time of landing. OLE currently completes dockside inspections of the HAL sablefish IFQ fishery, and anticipates this practice could be continued for pot longline gear vessels in a GOA sablefish IFQ fishery.

NMFS recognizes that several changes to regulations would be necessary to incorporate the action alternative into the existing management process. To allow pot longline gear fishing for sablefish in the GOA, NMFS recommends the definition of "Fixed gear" be changed in Federal regulations. If IFQ halibut were incidentally retained in a GOA pot longline fishery for sablefish, then the current NMFS and International Pacific Halibut Commission (IPHC) definition (§679.2 and §300.61) of "IFQ halibut" would need to be changed to recognize that pot longline gear can be used to harvest IFQ halibut. In addition, Section 19 Fishing Gear, of the Pacific Halibut Fishery Regulations (IPHC annual management measures) would need to be revised to allow persons to fish and possess halibut taken with pot longline gear. Other revisions to regulations would need to be developed to address elements of Alternative 2, such as a specifying a code for pot longline gear.