



Trawl Performance Standard Workshop

Online and in the NPFMC Conference room, Anchorage, AK
October 2, 2023

Meeting Summary

The Council facilitated a public workshop to receive stakeholder feedback on the (pelagic) trawl performance standard (TPS). The workshop was responsive to part of the Council's [June 2023 motion](#) under the Bristol Bay red king crab (BBRKC) area-closure agenda item; specifically, "*[the Council requests that] NMFS and the Enforcement Committee, in consultation with industry, identify ways to revise the pelagic gear performance standard to be enforceable.*"

This outreach was structured as a workshop in order to accommodate public comment and open dialogue with fishery participants and representatives, which would not have been possible in the format of an Enforcement Committee meeting. The workshop was hosted by the Council and NOAA Office of Law Enforcement (OLE) representatives who co-chair the Enforcement Committee.¹

Meeting materials (workshop announcement and overview presentation by NOAA OLE) as well as 71 written comments are available on the [TPS Workshop meeting page](#). The workshop was attended by approximately 30 individuals in-person (not including hosts and staff) and approximately 40 individuals who participated via Zoom.

The workshop opened with a presentation by Alex Perry (NOAA OLE, Compliance Liaison Analyst). The overview covered the relevant existing regulations in the BSAI and the GOA², the evolution of typical pelagic trawl gear configuration from the time when the standard was implemented to the present, the original purpose and rationale for the TPS put forward in implementing rule packages and EAs (1993; 2001), challenges that observers face in collecting and reporting crab from pelagic trawl hauls, and a data report on the number of hauls reported to OLE and actions taken from 1993 through 2022. Mr. Perry fielded questions on the data that were presented and how data on crab in pelagic trawl hauls are collected by observers.

Staff received questions about the scope of the workshop discussion in terms of whether the purpose is limited to the enforceability of the existing 20-crab performance standard or whether discussion is open for input on different ways to define a standard that is both enforceable and meets the original intent of the TPS. Staff emphasized two points in response: (1) the hosts determined that it was logical to provide a full historical context for the existing regulations that are the subject of discussion; and (2) the workshop hosts' role is to receive industry input, ask clarifying questions to those giving testimony, and take input into consideration when developing future analyses or Enforcement Committee recommendations under any forthcoming Council direction on this topic. The hosts noted the breadth and detail of the public input with appreciation, but purposefully did not engage in any debate on the enforceability of specific ideas proposed in oral testimony or the Council's intent for future analyses/actions.

Twenty individuals provided oral testimony. Staff from OLE and NMFS Fisheries Monitoring and Analysis (FMA) division were able to answer subject matter questions that arose from testimony. This meeting summary is not intended to capture or transcribe all comments put forth in an expansive

¹ Council: Steve Williams, John Seabourne;
NOAA OLE: Ben Cheeseman, Alex Perry

² 679.7(a)(14) Prohibitions & 679.24(b) Gear Restrictions

discussion. Rather, this summary identifies categories of commentary with emphasis on issues that came up repeatedly or garnered extended discussion. The following bullets group themes of comments and are paraphrased by staff.

Discussion Points:

- Attendees asked the Council to articulate the problem that it seeks to address and whether this topic should remain attached to the BBRKC area-closure analysis or be considered separately. Desire for clarification on whether the Council is seeking different enforcement of the existing TPS or an alternative standard with different observed effects. In the latter case, attendees would ask the Council to define or reiterate the objective of the TPS and the metrics by which efficacy should be assessed. In short, some attendees stated that the Council should focus on accurately assessing the existing TPS while others stated that the TPS needs to evolve if it is to achieve the objectives set forth when the standard was first implemented. It was noted repeatedly that the rules implementing the TPS were written approximately 30 years ago.

In the same vein, there was a desire for the Council to signal what information – data, Observer Program input, other – the Council *does* and *does not* wish to come back for review in February 2024. Stakeholders wish to know ahead of time the conversation they are preparing for or, in some cases, how their constituency could be involved.

- Desire for agency staff to further describe what impedes enforcement of the existing TPS. This included further description of what observers do/do not or can/cannot accomplish in terms of accounting for crab onboard a pelagic trawl vessel, and the reasons why (e.g., safety, observer sampling priority, operation of the fishing vessel). If enforceability of the existing TPS depends heavily on observer priorities, the Council could signal whether its monitoring advisory bodies should consider the issue.
- Desire for clarification on whether the Council is considering TPS regulations that apply to the Gulf of Alaska (GOA). Several testifiers stated that the GOA and the BSAI have different pelagic trawl fleets and different geographical conditions that may influence incidence of bottom contact.
- Staff should delineate crab count and enforcement record data by BSAI vs. GOA.
- Some in attendance felt that the number of crabs reported in pelagic trawl hauls might not be a good measure of seafloor contact. This could be because gear has evolved to have large forward meshes that often do not retain crab; it was also noted that lower incidence of crab retained in pelagic trawls could be reflective of a lower crab-abundance environment *or* operational changes that came with the rationalization of the pollock fishery under the American Fisheries Act (AFA). It was suggested that data on crab observations be correlated to management factors that could have influenced whether/when/why gear designs changed (e.g., AFA implementation; design innovation to allow lower horsepower vessels to tow modern net designs).
- Full retention of crab could be required until the observer had access to sample them. Existing AFA [salmon retention] requirements were pointed to as a point of regulatory reference.
- A TPS defined by the number of crab onboard a vessel does not provide a signal for any impacts on crab habitat.
- The 1.5-inch minimum carapace width defined in the TPS, and thus the need for observers to take measurements for all observed crab, may be arbitrary.
- Some suggested that pelagic trawl gear should not be allowed in areas that are closed to non-pelagic trawl gear, or that any vessel using pelagic gear in areas closed to non-pelagic gear should deploy devices that can indicate gear contact with the seafloor. It was noted that if behavior modification is the purpose of the TPS then technological applications could provide information

that is closer to real-time than observer-based data. However, it was also noted that tech solutions are sometimes not as simple or practical as they may be represented. Perspectives differed on how many devices would be required to reliably know whether gear is substantially in contact with the seafloor.

- There was discussion of approaching the TPS differently for vessels that participate in Trawl Electronic Monitoring (EM). EM vessels retain all catch. Accounting of crab could occur at offload, though this could require the TPS to be framed on a trip-basis instead of “at any particular time”. Potential benefits of this approach that were discussed include accounting for crab that are not in the observer’s composition sample, and eliminating a situation where fishermen perceive that the observer is acting in an enforcement capacity.

NPFMC staff contact is Sam Cunningham.