



IFQ Committee Report

September 27, 2021, Webconference

The IFQ Committee met via Zoom video conference on September 27, 2021. All meeting materials are available on the IFQ Committee eAgenda: <https://meetings.npfmc.org/Meeting/Details/2500>.

Members in attendance: Cora Campbell (Chair), Linda Kozak, Peggy Parker, Craig Evens, Bob Linville, Jeff Peterson, Buck Laukitis, Jeff Farvour, Dave Fraser, Matt Robinson, Jeff Kauffman, and Shawn McManus

Members absent: Natasha Hayden, Michael Offerman, and Erik Velsko

Staff: NPFMC: Sarah Marrinan, Sara Cleaver, Maria Davis, and Shannon Gleason
NMFS AKRO: Alicia M Miller, Abby Jahn

Others in Attendance:

James Johnson

Marysia Szymkowiak

Diana Evans

Kathy Hansen

Megan O'Neil

Karla Bush

Andrew Steinkruger

Linda Behnken

Paul Clampitt

Jim Armstrong

Heather Mann

Bob Alverson

Ben Cheeseman

Tom Meyer

John Jensen

Anna Henry

Sam Cunningham

Jeff Stephan

1. Introduction and Review of the Agenda

The Committee Chair, Cora Campbell, opened the meeting with an overview of the agenda and members introduced themselves.

2. IFQ Omnibus Amendment Package

Sara Cleaver (NPFMC staff) provided a two-part presentation of the IFQ Omnibus amendment package.

2.1 Alternative 2: Amendments to Pot Regulations and Authorization of Jig Gear

The first presentation covered 'Alternative 2' in the Council's [motion](#). Under this alternative, the Council is considering amendments to IFQ Program regulations that apply to pots used to fish halibut and sablefish IFQ. These amendments, if implemented, could increase operational efficiency, reduce administrative burden, and clarify how harvesters can meet existing regulatory requirements. Elements considered in the package related to pot gear include specification about the biodegradable panel on a slinky pot, requirements for buoys and flagpoles configurations, an exemption to the requirement for the 9-inch maximum tunnel opening on pots when halibut IFQ is available, as well as potential changes to pot limits and gear retrieval requirements. In addition, the Council is considering allowing sablefish IFQ to be harvested with jig gear.

Committee members received a presentation on the mechanics of implementing these types of changes in the fishery, as well possible environmental and socio-economic impacts of these actions and management and enforcement considerations relevant to these potential revisions to IFQ regulations. Staff noted where regulations are currently inconsistent across management areas. Committee members asked questions and

had some discussion along the way. Viewpoints highlighted during the presentation have been incorporated into the relevant discussion point related to each element below.

Following the staff presentation, the IFQ Committee heard public testimony from Paul Clampitt (Sablefish and Halibut Pot Association/ FV Augustine), Bob Alverson (Fishing Vessel Owners' Association), and Linda Behnken (Alaska Longline Fishermen's Association).

The IFQ Committee next discussed each element of **Alternative 2**, which is to “**Revise IFQ program regulations to the address the following regulatory clarifications**”. When the Committee reached a consensus recommendation on an element, this is noted in report below, otherwise alternative perspectives are provided in the discussion points.

Alt 2, Element 1: Clarify that “slinky pots” are a legal gear for the IFQ fishery, and revise regulations to allow the use of biodegradable twine in the door latch or pot tunnel.

- The clarification that slinky pots are legal gear has been addressed the NMFS “Frequently Asked Questions” webpage.
- The Committee recommends moving forward on the remainder of Element 1.
- The Committee also recommends the clarification that this element apply to the CDQ fishery.

Discussion points:

Committee members expressed support for flexibility in regulations that allow the use of biodegradable twine in the door latch or pot tunnel on slinky pots.

Several committee members also highlighted a desire for the change in the regulatory language on pot specification to be broad and flexible enough to encourage future innovation without requiring another iteration of regulatory changes. For example, perhaps the biodegradable twine does not have to be in a straight line, it could be in an arch (current regulations require twine that is “parallel to, and within 6-inches from the bottom of the pot”). Since there is no way for enforcement to tell which is the top or bottom of a cylindrical pot, perhaps the twine does not need to be specified as “within 6-inches from the bottom of the pot”.

In terms of the CDQ recommendation, one member noted they would expect this to apply to CDQ because regulations at §679.2 specify that regulations governing halibut and sablefish CDQ fishing are designed to be no more restrictive than regulations governing halibut and sablefish IFQ fishing.

Alt 2, Element 2: Remove buoy configuration and flagpole requirements in regulation but retain “LP” marking requirement.

- The Committee recommends moving forward on Element 2.
- The Committee also recommends the clarification that this element include removing the requirement for radar reflectors.

Discussion points:

Members felt the level of gear markings (buoys and flagpole requirements) could be reduced from status quo. Several members spoke to the importance of efforts to make pot gear visible, and several members highlighted the usefulness of AIS and the hope that it would become legal for marking gear in the near future. Points were also raised about the added burden of the current buoy and flagpole requirements. These requirements may discourage smaller vessels from participating in the fisheries because of the additional deck space needed for the extra gear.

One member highlighted that radar reflectors are attached to flagpoles, which are proposed to be removed. Thus, members supported the idea of removing radar reflectors as well.

One area where divergent views were noted was whether to mark both ends of the gear, which is required in the GOA but not in the BSAI. Some members felt this was important for visibility while other thought it was unnecessary and better to keep the marking requirements consistent with the BSAI.

Alt 2, Element 4: Revise the pot gear configuration requirements to remove the 9-inch maximum width of tunnel opening so it does not apply when vessel has unfished halibut IFQ onboard.

- The Committee had mixed views regarding the option to remove the 9-inch maximum width of tunnel opening when there is unfished halibut IFQ onboard. The committee broadly supported the flexibility offered and the potential for efficiency, but some wanted to ensure that a directed halibut fishery with pots did not develop without analysis.

Discussion points:

Council members expressed broad interest in providing some additional flexibility relative to this Element, but some members also expressed concern about the potential that it could lead to development of a directed halibut pot fishery in the GOA. These members highlighted the possibility of unintended consequences on halibut fishermen and wanted to better understand the potential impacts of a directed halibut pot fishery on the halibut resource and on halibut fishermen.

One member shared their experience with attempting to target halibut with pot gear in the BSAI. Given the prevalence of whale depredation they were enthusiastic about making this gear type work. They mentioned that thus far (two or so seasons in) it has not been as successful as they would have liked.

Some members support maximum opportunity for flexibility and gear innovation and therefore support Element 4 without the phrase "...so it does not apply when vessel has unfished halibut IFQ onboard" removed. While the tunnel opening requirement would still apply the groundfish fisheries (i.e., Pacific cod pots) this would allow IFQ holders to target larger sablefish for example, even if they did not have halibut IFQ available.

Some members wished to move this element forward in order to provide this flexibility when halibut IFQ was available.

The Committee also discussed the potential for crab bycatch with the allowance of tunnel opening of any size. Several members stated that they did not think this would be a concern due to the depth at which sablefish pots are fished relative to crab habitat. A member referenced the Alaska Bering Sea Crabbers recent and ongoing research on pot design and crab bycatch as one place to look for more information.

Alt 2, Element 5: Pot Limits Option 1: Change the Pot Limit for WY and/or SEO to Suboption a) 180 pots per vessel Suboption b) 300 pots per vessel

- The Committee recommends increasing pot limits in SEO and WY, but there was divergence in the level of increase that members felt appropriate.
- The Committee thought it would be useful to include data on vessel size and area, the average number of pots used by vessels in each area, and additional information about consolidation of the fleet in a future iteration of the analysis.

Discussion points:

Several members are supportive of the 'get in get out' concept; meaning increased pot limits could increase operational efficiency for some vessels allowing them to harvest their quota faster, which would free up the grounds for another vessel. They suggested that even if the pot limit was 300, most operations would not choose to use 300 pots, but it would allow for the operational flexibility based on the vessel and could particularly be beneficial when the TAC was high. These members highlighted that slinky pots have leveled the playing field by allowing smaller vessels access to this gear type; therefore this was less of an equality issue between large and small vessels having access to this gear type, which was an original

concern of allowing sablefish pots in the GOA. Some suggested that pot limits might be a deterrent to vessels choosing to adopt pots.

However, other members expressed concerns about IFQ consolidation onto a smaller number of vessels, grounds preemptions and gear conflicts. Most of the concern was voiced from a SE perspective, but at least two members also expressed concern for WY. They felt a smaller increase (to 150-180 pots) was appropriate to ensure flexibility but moving from a 120-pot limit to 300 pots may be too dramatic a change, particularly in SEO which has a smaller edge. They felt the pot limits were not an issue for the smaller vessels, so there could be some equity issues for increasing the pot limits from 120 pots to 300 pots.

The geographic differences and difference in pot adoption rates for SEO and WY were discussed, and several members felt it would be more appropriate to consider these pot limits separately, with a higher limit for WY. Some members prefer the idea of consistent pot limits across sub-areas of GOA and the BSAI.

Alt 2, Element 6: Gear Retrieval requirements Option 1: Remove the gear retrieval requirement; Option 2: Modify the gear retrieval requirement to 7 days for all GOA areas; Sub-option: 3 days in SEO

- Members had mixed views on modifying gear retrieval requirements.

Discussion points:

Discussion points and divergent views around the need for gear retrieval requirements were similar to the views expressed for changing pot limits. Members who wished to be more cautious in making changes highlighted the importance of balancing the pot limits and gear retrieval as the potential effects of grounds preemption and gear conflicts would be cumulative.

The concerns about grounds preemption were particularly focused on the narrow SE edge and preserving opportunity for smaller hook-and-line vessels. While hook-and-line vessels do not have gear retrieval requirements, one member pointed out that with too long a soak time, fish on a longline become unmarketable. Thus, although hook-and-line vessels do not have gear retrieval requirements, soak time is self-limiting. Most of the concern was expressed for SEO in particular, but at least one member also held these concerns for WY.

Conversely, some members felt it was important to relax the gear retrieval requirements to promote safety at sea. They felt that the gear retrieval requirements excluded smaller vessels that did not have the deck space to haul all the necessary gear at once, and several members had concerns about gear retrieval requirements forcing them to stack out gear in inclement weather. This perspective also aligns with the 'get in get out' mentality that relaxing gear retrieval requirements may increase operational efficiency and flexibly and allow fishermen to harvest their full quota faster, freeing up fishing grounds for other vessels.

While some members questioned whether any gear retrieval requirements are necessary in a fully rationalized fishery, those that felt gear retrieval requirements should be relaxed felt seven days would be sufficient (rather than removing all gear retrieval requirements).

Alt 2, Element 3: Authorize jig gear as a legal gear type for the harvest of sablefish IFQ.

- The Committee recommends moving forward on Element 3.
- The Committee also recommends staff consider applying this to the CDQ fishery.

Discussion points:

There were no objections or concerns expressed by Committee members for this element; however, it was expected it would be lightly utilized. One member noted that some charter operations have been successful jigging for sablefish with electric reels, thus this option could add some flexibility for commercial operators with minimal impact to the fishery.

Staff mentioned that this option might already apply for CDQ fisheries, but if not, members suggest that regulations governing halibut and sablefish CDQ fishing should be designed to be no more restrictive than regulations governing halibut and sablefish IFQ fishing, thus perhaps this should apply to CDQ as well.

2.2 Alternative 3: Adak CQE Residency Requirements

Sara Cleaver provided a second presentation on Alternative 3 to the IFQ Omnibus analysis. This Alternative would temporarily remove the Adak Community Quota Entity (CQE) residency requirement for five years in an effort to provide more opportunities for the Adak CQE to fully harvest its IFQ. Testimony was received from Committee member Dave Fraser (Adak Community Development Association (ACDC)).

Alt 3: Remove Adak CQE residency requirement for a period of five years.

- The Committee recommends moving forward on Alternative 3.

Discussion points:

Committee members expressed support for providing this flexibility for the Adak CQE group (ACDC) to ensure CQE-held IFQ is harvested. Members acknowledged ACDC's commitment to prioritizing resident opportunities when possible, but believe the current situation with a lack of a processor in Adak and the decrease in residents warrants additional flexibility to ensure the IFQ is harvested.

3. NMFS Updates

NMFS staff, Alicia M Miller provided an update on a few topics relevant to the IFQ fisheries.

- Alicia first covered the IFQ Temporary Transfers of 2021, noting that the Emergency rule expired September 27, 2021. Applications for temporary transfer authorized under this emergency rule received after September 27, 2021 will not be approved.
- The Committee was informed that the December 7 season end date affects the IFQ Cost Recovery Annual Process. Permit holders should not expect invoices earlier than December 31, 2021 (please be patient!). Shoreside processors and registered buyers are asked to please submit the IFQ Registered Buyer Ex-vessel Value and Volume Report on time by October 15, 2021.
- The Committee received an update on the status of the proposed rule to remove GOA sablefish pot gear tags and notary certification requirements. NMFS intends a final rule to remove pot gear tags and notary certification requirements to be effective prior to the start of the 2022 halibut and sablefish IFQ fishing season.
- Finally, Alicia informed the Committee about staffing changes at NMFS.

A document is attached to the Committee's eAgenda that summarizes these topics in more detail.

4. Other Business

A few topics were raised by member of the Committee under the broad agenda item of "other business".

One member wanted to highlight the issue of sablefish movement and the potential future impact of delivery requirements. This member's vessel has recently seen movement of sablefish into shallower depths. In the B season their vessels saw significant sablefish in Pacific cod pots, around 60 fathoms. But some Pacific cod processors are not set up to accept deliveries of IFQ. For instance, they may not be a registered buyer and night deliveries in particular would not meet the Prior Notice of Landing Requirements. Given the unprecedented level of stock movement and changing environment, this topic was intended to be flagged as a possible future concern and may require flexibility in regulations.

One member spoke to a desire for the use of more pot data in the sablefish stock assessments. It seems to this Committee member that we are relying too much on data from hooks when much of the fleet has converted to pot gear.