

GROUND FISH ADVISORY SUBPANEL REPORT ON
GROUND FISH ENDANGERED SPECIES WORKGROUP REPORT

The Groundfish Advisory Subpanel (GAP) received a presentation from Mr. Brian Hooper, National Marine Fisheries Service (NMFS), West Coast Region, Sustainable Fisheries Division. Mr. Hooper's presentation summarized the Groundfish Endangered Species Workgroup (GESW) report provided in the advanced Briefing Book ([Agenda Item G.4.a, GESW Report 1, June 2021](#)). The GAP appreciates the comprehensive report and notes the GESW's findings support our previous recommendations about the positive, mutual benefits that can be derived from collaborations among fishery participants, managers, and scientists – for example, longline fishery mitigation measures for seabirds, cooperative research about trawl/albatross interactions, and direct participation by fishery participants on the GESW.

On the last point, the GAP is pleased that our [April 2021 recommendation](#) for Mr. Bob Eder to serve on the GESW produced the positive outcomes that we envisioned. The GAP continues to recommend that a fishery representative seat be formally added to the GESW. We will comment further on this topic under Agenda Item C.9 – Membership Appointments and Council Operating Procedures.

Specific to two of the conservation measures related to humpback whales outlined on page 5 of the GESW report, the GAP provides the following comments:

Related to bullet number 1¹, the GAP supports this potential regulatory change to allow for use of one buoy line as a voluntary, rather than mandatory, measure because there may be positive benefits from the use of two buoy lines. For example, if one buoy is lost then the gear can still be retrieved because of the presence of the second buoy and may reduce the likelihood that gear will be lost (and become ghost gear). Therefore, the GAP supports the measure as described in the GESW report but notes that it would need further exploration and fishery participant input were it to be evaluated as a mandatory requirement, especially in considering the tradeoffs between the reduced potential for whale entanglement and the increased potential for lost (ghost) gear.

Related to bullet number 3², the GAP agrees with the GESW recommendation. However, the GAP stresses that a regulatory requirement mandating the use of Automatic Identification System (AIS) for gear marking be avoided because this could impose a significant financial burden on fishery participants. For example, requiring AIS could be a major problem for the Dungeness crab fishery because of the need for AIS units on each pot and the associated cost; in contrast AIS is generally seen as a cost-effective tool for longline and pot sablefish fisheries. Therefore, the GAP recommends voluntary use of

¹ “Changes to the gear configuration regulations to allow vessels to voluntarily use 1 buoy line instead of 2 buoy lines. The option is not permitted under current rules (see 50 CFR 660.219 - Fixed gear identification and gear marking). This could potentially reduce the number of vertical lines in the water and the risk of entanglement.”

² “Investigate the use of Automatic Identification System (AIS) beacons to get near real time gear location information.”

AIS rather than creating a regulatory mandate. Moreover, in considering use of AIS for gear marking, it is important to recognize that Federal law currently prohibits use of AIS for gear marking. The Federal Communications Commission (FCC) is currently considering this issue and taking comments ([Notice of Proposed Rulemaking, FCC, June 2021](#)). The North Pacific Fishery Management Council (NPFMC) provided a [letter](#) to the FCC in April 2021, recommending, *inter alia*, “[w]e submit that the regulatory provisions that allow AIS to serve as Private Aids to Navigation (PATON) should be extended to AIS fishing gear marking buoys.” Therefore, consistent with the GESW’s suggestion to “[i]nvestigate the use of [AIS] beacons to get near real time gear location information” and to facilitate the current and future use of AIS for gear marking, the GAP recommends the Council engage with the FCC about the issue like the NPFMC.

PFMC
06/25/2021