

GROUND FISH ADVISORY SUBPANEL REPORT ON LIMITED ENTRY FIXED GEAR FOLLOW-ON ACTIONS AND FIXED GEAR MARKING – SCOPING

The Groundfish Advisory Subpanel (GAP) received an overview of this agenda item from Ms. Jessi Doerpinghaus, Pacific Fishery Management Council (Council) staff, and Ms. Maggie Sommer, National Marine Fisheries Service (NMFS), and offers the following comments.

Gear marking

The GAP supports the following considerations for gear marking for the fixed gear fleet in order to assist in identification of gear types that may become entangled with different marine mammals.

1. The Council and NMFS should build upon the experience of the West Coast states and stakeholders in their efforts to develop line and gear marking requirements for state-managed fisheries. Developing marking requirements that clearly identify gear types will be important.
2. Developing a color code, one for pot gear and one for hook and line to be marked on the upper part of the fixed gear buoy line is recommended. Since there was a distinction in the humpback whale study concerning Open Access (OA) gear and Limit Entry Fixed Gear (LEFG), the Council should consider a third marking for the OA sector. There may be different means to mark the gear, including sewing in a colored line into the groundline. We recommend that law enforcement work with industry and perhaps over time the gear manufacturers can assist in providing marked gear. There have been industry recommendations to mark gear down to 20 or 50 fathoms. The GAP recommends analyzing a range of gear marking options shorter than 20 fathoms because it's easier for fishermen to implement and use.
3. The GAP recommends all suggestions for marking buoys and surface gear, as contained in NMFS Report 1 (H.4.a), should be analyzed. It is the GAP's understanding that vessels are required to use their USCG documentation number or state license number on their buoys. This seems to work well.
4. The GAP supports the NMFS recommendation to further consider allowing fixed gear vessels to use surface gear (buoys and flag poles) on either end of the groundline rather than requiring surface gear at both ends to ground line. This should be a choice for the vessel operator as those vessels that deploy lighter gear have a higher probability of parting their gear and having surface gear at both ends of the groundline can assist in retrieving hook and / or pot gear.

The GAP appreciates NMFS' intent to seek additional funding to assist fishermen with the cost incurred for future gear marking changes. Adapting to gear marking changes for all vertical line fisheries will demand more work on behalf of fishermen and will result in significant additional costs.

LEFG follow-on actions

The GAP supports the following proposed follow-on actions to amend the LEFG program.

1. **Allow longline-endorsed vessels to use slinky pots:** There are many reasons for this request including whale predation on sablefish, bycatch reduction, and operational flexibility as noted in Attachment 1. Recently the killer whale pod from British Columbia has been taking sablefish off the hooks before they can be landed. The slinky pot has been successful in reducing whale predation off Alaska. It is a very light gear type and can be used with existing longline ground lines.

There was an expressed concern in one of the Council reports that allowing this type of pot might result in additional gear being used. Currently those vessels that have switched to slinky pots from hooks off Alaska find they are fishing the same number of sets (three to four) per day.

Light pots, like slinky pots, cannot be left in the water for a long time or they can get lost and/or fish will die, resulting in a financial loss. Fishermen will not want to lose their gear or their fish. Using slinky pots would decrease the gear conflicts and could reduce the number of vertical lines in the water.

The GAP supports including additional options that would create a single fixed gear endorsed permit (longline and pot gear) and an option that would allow limited entry vessels to utilize any legal non-trawl gear (similar to IFQ gear switching vessels or open access vessels). This would allow more flexibility and streamlines both the business side and management of this fishery. The GAP understands there may be financial impacts to some permit owners but the benefit to the fishery as a whole will outweigh those impacts.

2. **Allowing cumulative non-sablefish limits by primary tier vessels:** The GAP has previously supported analyzing this change to the tiered program. For vessels with multiple tiers stacked, the cumulative limits can be exceeded and result in regulatory discards, primarily shortspine thornyheads and lingcod. If the Council moves this item forward, the GAP suggests limiting the scope to those two species. In response to Council staff's question on when multiple cumulative limits would be allowed, we recommend it only be during the primary season. Additionally, in agenda item H.4, Attachment 1 June 2023 the authors make the following suggestion:

The Council could consider implementing a second set of trip limits for the LEFG primary tier fishery that would apply to all tier vessels that would be higher than those without a sablefish endorsed permit. This might be simpler to manage as it would just classify a vessels landing allowance based on the presence of a sablefish endorsed permit rather than a non-sablefish endorsed permit.

The GAP would also support analysis of this alternative for the two species (shortspine thornyhead and lingcod).

Alternatively, the GAP would be supportive of looking at increasing the trip limits for all LEFG vessels in the next harvest specifications cycle. The scoping document ([H.4, Attachment 1](#)) looks at current attainment levels for non-trawl allocations of lingcod north and south and shortspine north. In most cases, the non-trawl fishery has been under harvesting these allotments, leaving up to 50% of these allocations uncaught between 2017 to 2021.

Agenda Item H.4.a, Attachment 1 suggests that this measure could increase targeting of non-sablefish. However, the GAP doesn't believe this will be the case. LEFG tier fishermen will just be allowed to deliver the bycatch of abundant species they're currently discarding. It is difficult to target shortspine thornyhead and lingcod harvest is limited by markets and area (i.e., non-trawl rockfish conservation area [RCA]). The GAP notes that additional lingcod opportunity may be afforded with the change to the non-trawl RCA boundary to 75 fm starting in 2024 off Oregon and California.

3. **Fourth Sablefish Permit Stacking:** The GAP continues to support this request for analysis. Approximately 25 percent of the sablefish primary fishery vessels have recently had three sablefish permits stacked on them in any given year between 2014 and 2020, and some are interested in stacking a fourth permit. It is believed that this action would assist and encourage crewmembers to become owners of sablefish endorsed permits. Additionally, a fourth permit would allow a permit owner to expand their business through crew permit ownership. This suggested action presumes there would not be any changes to the 3-permit ownership limit. It also presumes should a fourth permit be stacked on a vessel, the fourth permit would be held by a person complying with the owner-on-board provision.
4. **Sablefish Permit Price Reporting:** The GAP does not see this as a difficult action to comply with. This can just be added to the permit transfer application when a permit is sold.
5. **Minor Additions – Tier Season start/End Times and Pot Escape Panel Position:** If the Council and NMFS are going to address where to put escape panels to limit ghost fishing, should a pot be lost, we note that pots can be pyramid shaped, rectangular shaped, cylindrical in shape and there even trapezoidal shaped pots. The GAP supports escape panels on all pots, but consideration will likely be necessary for the differences in design where panels are positioned.

Cost recovery

Regarding cost recovery, the GAP recommends the Council and NMFS should consider tying cost recovery fees to the permit holder and not the vessel owner. The current recommendation has the boat owner responsible for the fee, but in many cases, the vessel owner is leasing the permit(s). Should the vessel owner not pay the cost recovery fee, the permit owner may not be able to utilize his permit for the next year. The owner of the permit has the biggest incentive to pay the cost recovery fee.

PFMC
06/23/23