

# FIXED GEAR MARKING AND ENTANGLEMENT RISK REDUCTION; LIMITED ENTRY FIXED GEAR FOLLOW ON

Agenda Item G.4  
September 2023

# OVERVIEW

- Attachment 1: Proposed Schedule
- Attachment 2: Purpose and Need and Range of Alternatives
- Supplement GAP, GMT, EC Reports
- Public comment

# COUNCIL ACTION

*Adopt a Purpose and Need  
Along With a Range of  
Alternatives, if Possible*

# FIXED GEAR MARKING AND ENTANGLEMENT RISK REDUCTION

<b>Meeting</b>	<b>Action</b>
September 2023	Purpose and Need and ROA (if possible)
March 2024	Preliminary Preferred Alternative (PPA)
June 2024	Final Preferred Alternative (FPA)

# TIMELINE

## PURPOSE AND NEED

NMFS currently identifies the origin of entanglements in about 50 percent of the entanglements reported, to at least some known category of gear/fishery. Without additional marking requirements, this situation is unlikely to improve, and the high level of uncertainty surrounding the origins of entanglements that continue to occur will remain. The purpose of this action is to **expand fixed gear marking requirements and risk reduction measures for entanglement or bycatch** in the Pacific Coast groundfish fishery. This action is needed to increase NMFS' ability to **positively attribute protected species entanglements** to specific fisheries and ultimately aid in **understanding and reducing the risk of protected species entanglement** in groundfish pot and longline gear. This action is also needed to **improve bycatch reduction of the currently required biodegradable escape panels in fish pot gears**.

# ITEMS FOR CONSIDERATION

- ROA specific to bottom longline, trap and/or pot gears in federal GF fisheries
  - Not applicable to other “fixed gear”
- Alternatives not mutually exclusive

Buoy marking

Line marking

Entanglement  
risk reduction

Escape panel

Best practices  
guide

# ITEM 1: BUOY MARKING

No Action: Fixed gear must be marked at the surface and at each terminal end, with a pole, flag, light, radar reflector, and a buoy. No line marking is required. Buoy must be marked with a number (vessel number, license, buoy brand, or USCG number) clearly identifying the owner or operator of the vessel.

Alt 1: Gear specific buoy marking

Alt 2: Sector and gear-specific buoy marking



# BUOY MARKING: DISCUSSION

- For each alternative:
  - Subopt a: Sablefish specific patch/shape/letter on polyform buoy
  - Subopt b: Cattle ear tags attached to molded eye of buoy
- Council/ABs should consider need to distinguish across sectors or if gear sufficient
- Subopt a- consider making specifics in best practices guide, not regulations
- Prohibit marks used by Dungeness crab
  - Subopt b- consider how these interact annually with D crab

## ITEM 2: LINE MARKING

No Action: Lines are not required to be marked in any sector, for any gear authorized for use in the groundfish fishery, including pot and bottom longline gear.

Three main decision points for action alternatives:

1. Portion of line marked
2. Distance of line marked
3. Method of marking

# ITEM 2: LINE MARKING

Portion of line marked- Require that some or all of the line be marked in a unique color scheme and method

Alt 1: All of the line(s) (surface, vertical/float, groundline, anchor)

Alt 2: Only vertical/float line

Alt 3: Surface and vertical/float line

Distance of Marking- Require that lines be marked in a unique color scheme for a specified length of the vertical/float line starting where it attaches to the buoy closest to the groundline.

Alt 1: at least 5 fm

Alt 2: at least 20 fm

Alt 3: at least 50 fm

# ITEM 2: LINE MARKING

Method of Marking: For the portion and distance a line would required to be marked, the line would be marked in one of the following ways:

Alt 1: Manufactured in a unique color scheme

Alt 2: Temporary markings at specific intervals from the surface buoy

Subopt a: at least every 5 fm

Subopt b: at least every 20 fm

Subopt c: at least every 50 fm

Alt 3: Transition from other temporary methods to manufactured line as lines need replacing

# DISCUSSION: LINE MARKING

- Markings would need to follow same scheme as Item 1 (either gear specific or gear/sector specific)
- Portion of Line Marked
  - Previous discussions appear to be around just vertical/float line- but may want to consider adding surface line to help identify entanglements w/o buoys
- Distance marked
  - EC noted that having continuous marking for first 5 fm at min would help evaluate compliance

# DISCUSSION: LINE MARKING

- Method of marking
  - Temporary methods consideration
  - Some suboptions may not be compatible with distance of marking
  - Alt 3- need to determine time in which transition from temporary to manufactured would occur
    - Balance timeliness and cost to industry
    - Need feedback for options at this meeting

# ITEM 3: ENTANGLEMENT RISK REDUCTION

No Action: Fixed gear vessels are required to use surface gear (buoys and flag poles) at each terminal end of the groundline.

Alternative 1: Fixed gear vessels would be allowed to use surface gear on only one end of the groundline

Other items to consider:

- Time/area closures
- Pop-up gear
- Surface gear limitations

# DISCUSSION

- Alternative 1
  - GAP noted in June that should be left to operator
  - EC not supported b/c difficult to enforce in closed areas
- Other items
  - Time/area closures: based on historical or real time data or models
  - Pop-Up gear: some think most effective in reducing entanglements, but potentially high costs and the reliability of technology
  - Surface gear limitations: Include measures such as limiting surface buoys or amount of line that can trail surface buoys



## ITEM 4: ESCAPE PANEL

No Action: Traps or pots must have biodegradable escape panels constructed with 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

Alternative 1: Modify regulations so that the position of the escape panels may not be on the bottom of the pot, with an exception for collapsible pots (e.g., slinky pots).

Proposed language for discussion on page 7

# ITEM 5: BEST PRACTICES DOCUMENT

- New addition from staff based on comments in June 2023 and state efforts
- Examples of information that could be included:
  - Temporary marking methods
  - Surface gear limitations

LEFG FOLLOW ON

<b>Meeting</b>	<b>Action</b>
September 2023	Purpose and Need and ROA (if possible)
June 2024	Preliminary Preferred Alternative (PPA)
September 2024	Final Preferred Alternative (FPA)

# TIMELINE

## PURPOSE AND NEED

Based on the most recent limited entry fixed gear (LEFG) primary sablefish program review, the program is working effectively. However, with changing and unpredictable ocean and market conditions, and an aging fleet, there is a continued need to increase the flexibility to all LEFG participants to utilize their quota in the most efficient way possible and encourage new participation. The purposes of this action are to (1) consider allowing LEFG permitted vessels to use different non-trawl gear(s) (besides the gear endorsed on their permit) to harvest their LEFG quotas, (2) increase efficiency and opportunity for LEFG sablefish tier vessels and participants, (3) gather additional socioeconomic information to support future program changes, and (4) reduce administrative burdens, where practicable. This action is needed to provide increased flexibility to LEFG participants while reducing administrative burdens.

Additionally, the NMFS has determined that elements of the LEFG sablefish primary fishery (i.e. tier program) are considered cost recoverable. The purpose of this action is to also develop a cost recovery program. The action is needed to meet the Magnuson-Stevens Act requirements for limited access privilege programs (16 U.S.C. §§ 1853a(e) and 1854(d)(2)).

# ITEMS FOR CONSIDERATION

LEFG permit  
endorsement

Fourth permit  
stacking

Base permit  
designation

Permit price  
reporting

Season start  
time

Cost  
Recovery

# LEFG SECTOR OVERVIEW

- Vessels must be registered to a fixed gear endorsed permit—longline or pot
- Two sectors within LEFG: trip limit and sablefish tier
- Only allowed to fish with gear on registered permit (or would need to declare into OA)

<b>Gear Endorsement</b>	<b>Number of LEFG Permits</b>	<b>Registered in 2022</b>	<b>Number with Sablefish Endorsement (Primary Tier Fishery)</b>	<b>Registered in 2022</b>
<b>Longline</b>	191	160	132	129
<b>Pot</b>	28	27	28	28
<b>Longline and Pot</b>	4	4	4	4

# ITEM 1: LEFG PERMIT ENDORSEMENT

No Action: Vessels registered to a LEFG permit(s) would only be able to harvest their limits/quotas with the gear endorsed on a permit, noting A32 exceptions

Alt 1: Vessels registered to longline-endorsed permits would be permitted to also use slinky pots to harvest their quotas.

Alt 2: Create a single LEFG endorsed permit (i.e., remove the specific pot and longline endorsements).

Alt 3: Create a single LE non-trawl endorsed permit.



# DISCUSSION: PERMIT ENDORSEMENT

- Each alternative provides more flexibility with gear usage
- Alt 1 impacts
  - Allow slinky pot use for longline vessels (all LEFG)
  - Pot endorsed vessels can already use slinky pots
  - Another exception to the allowances

# DISCUSSION: PERMIT ENDORSEMENT

- Alt 2 impacts
  - Create single gear endorsement, but still leaves exceptions as proposed under A32
  - Vessels able to use either pot or longline
  - Considered during A6
- Alt 3 impacts
  - Would allow LEFG vessels to operate like OA/IFQ GS- utilize any legal GF non-trawl gear
  - Reduce regulatory/enforcement complexity
  - Could encourage shift from OA to LE
  - Significant program change from A6

## ITEM 2: FOURTH PERMIT STACKING

No Action: Primary tier vessels limited to registering three sablefish-endorsed LEFG permits (“stacking”) on their vessel in a given year, regardless of owner-on-board exemption(s).

Alternative 1: Primary tier vessels limited to stacking four sablefish-endorsed LEFG permits on their vessel in a given year as long as at least one of the four permits was subject to the owner-on-board requirements (i.e., not owned by someone with an owner-on-board exemption).

# DISCUSSION: OWN/CONTROL LIMIT

- Own/Control limit: no individual person, partnership, or corporation in combination may own or hold more than three sablefish-endorsed permits either simultaneously or cumulatively over the primary season
  - “Control”=Vessel owners that have permits registered to vessels, even if not owned, are considered to “hold” the permit
- GAP in June 2023: 4 permit stacking limit assumed maintaining 3 permit own/control limit
- Since permit owners and holders are subject to 3 permit limit-ownership limit would also need to change to 4 permits.

# DISCUSSION: STACKING IMPACTS

- Owner on board (OOB): permit owner must be on board the vessel while harvesting quota *unless* permit owner has an exemption
- Approx 28% of vessels have 3 permits stacked from 2018-22

# DISCUSSION: STACKING IMPACTS

Permit 1  
(OOB  
exempted)

Permit 4  
(OOB  
required)



Permit 2  
(OOB  
exempted)

Permit 3  
(OOB  
exempted)

# DISCUSSION: STACKING IMPACTS



Permit 1  
(OOB  
exempted)

Permit 2  
(OOB  
exempted)

Permit 3  
(OOB  
required)

Permit 4  
(OOB  
exempted)

# DISCUSSION: STACKING IMPACTS



Permit 1  
(OOB  
exempted)

Permit 2  
(OOB  
exempted)

Permit 4  
(OOB  
exempted)

Permit 3  
(OOB  
required)

Of vessels with 3 stacked permits,  
Half could add permit if permit owner was on board  
Half could pick up a fourth permit owned by someone with an exemption



# ITEM 3: BASE PERMIT DESIGNATION

No Action: NMFS designates the base permit as the permit registered to the vessel for the longest period of time so long as its length endorsement is sufficient for the vessel and unless the vessel requests a different permit

Alternative 1: Remove the base permit designation and associated regulations

- Highlighted during the tier review that regulation isn't necessary
- Unnecessary administrative burden

# ITEM 4: PERMIT PRICE REPORTING

No Action: No permit price information is collected when LEFG permits are sold.

Alternative 1: Owners of sablefish-endorsed LEFG permits would be required to disclose the permit price upon sale to a new owner.

Alternative 2: Owners of all LEFG permits (sablefish and non-sablefish endorsed) would be required to disclose the permit price upon sale to a new owner.

- GAP June 2023: Easy addition to permit forms
- Help with future reviews/analysis

# ITEM 5: SEASON START TIME

No Action: The sablefish primary season would continue to start at noon on April 1 and close at noon on December 31.

Alternative 1: Remove the start and end times of the sablefish primary season dates in groundfish regulations.

- Note slight change from June to remove all time references
- Administrative action

# ITEM 6: COST RECOVERY

No Action: No cost recovery for tier program

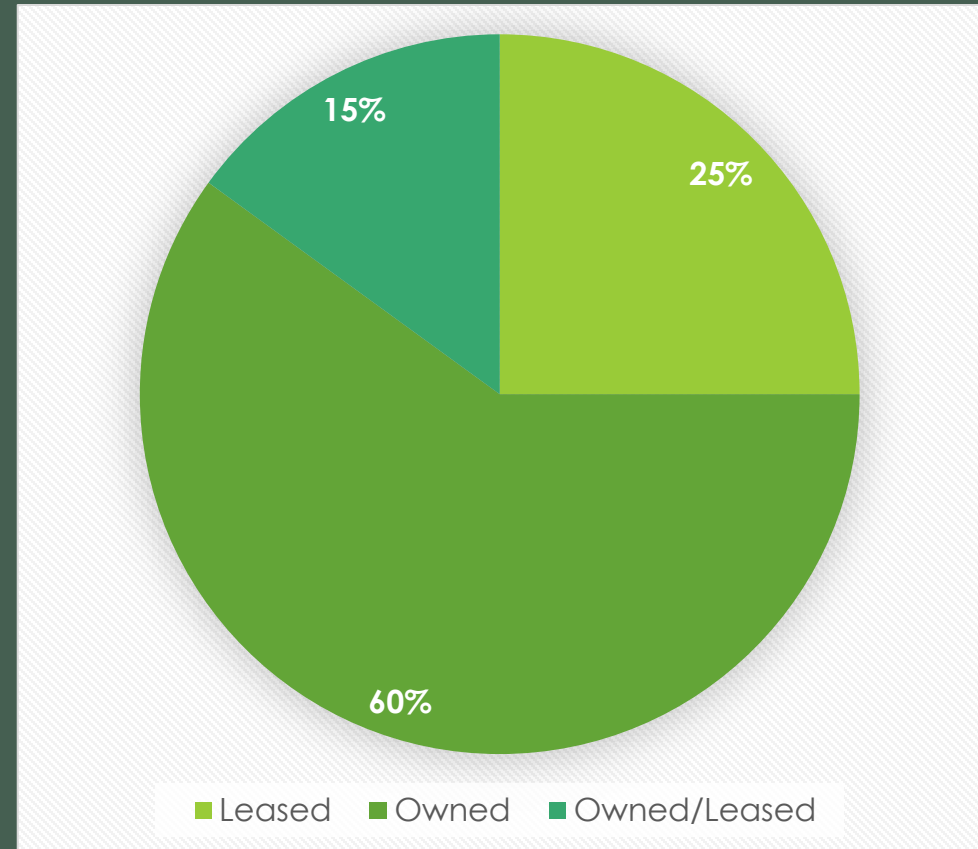
Alt 1: Develop cost recovery for the LEFG primary tier program

Subopt 1: Vessel owner responsible for paying

Subopt 2: Permit owner responsible for paying

# DISCUSSION: LEASING

- June 2023: GAP recommended that permit owner be responsible b/c many vessels lease permits
- If vessel owner didn't pay fee, then permit owner might not be able to utilize permit



# COUNCIL ACTION

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QUESTIONS?