



September 27, 2024

Mrs. Angel Drobnica, Chairman
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, AK 99501

RE: Comment on Agenda Items C6 Pelagic Trawl Gear Definition – Initial Review

Dear Chair Drobnica and Council Members:

The Alaska Bering Sea Crabbers (ABSC) is a trade association representing the majority of independent crab harvesters who commercially fish for king, snow (opilio), and Tanner (bairdi) crab with pot gear in the Bering Sea and Aleutian Islands (BSAI) Crab Rationalization Program. We appreciate the opportunity to comment on Agenda Item C6 Pelagic Trawl Gear Definition – Initial Review, and to provide input from the crab industry perspective.

We acknowledge all the work by the many contributors to put together this initial review document and appreciate the organization of the document which makes for ease of review and digestion. As was voiced at the February Council meeting where this Pelagic Trawl Gear definition motion was presented, this document reads that it is simply intended to address “housekeeping” measures in the definition of pelagic trawl gear. We are concerned, however, that there are additional components missing or better placed with the performance standards action. For example, one or more of the options under alternative 2 may be better suited under the trawl performance standard and gear innovation agenda item that is in the Council’s batter box, rather than the housekeeping gear definition.

Option 1 under alternative 2 in this document, seeks to “*Exclude the codend from limitations applicable to the trawl net*”, and the purpose and need statement states “*the purpose of this action is to align regulations with the longstanding interpretation of pelagic trawl gear in Alaska*”. Furthermore, the purpose and need statement continues to state “*the Council and NMFS did not intend the codend to be included with the restrictive definition of pelagic trawl gear*”. It would appear that the majority of current configurations of pelagic trawl codends are out of compliance under the long-standing definition of the gear. We agree that this issue needs attention for pollock fishermen to continue harvesting without concerns of being written up for what may be an important component of the design of codends (i.e., flotation), but why not clearly and concisely define the gear as needed? We are concerned that removing the codend from the applicable definition of pelagic trawl gear could open the door for other unforeseen and unintended consequences in the future. In particular, if future innovations or gear modifications to the codend changed the way the gear performed and there was a significant increase of bottom contact by the codend, could result in unintended mortality for crab species and impacts on habitat. If the intent of the Council is to allow for flotation and metal components to be configured with the codend, then let’s work to define that appropriately within 50 CFR 679.2.

1 1.42 billion abundance of snow crab * 0.1133% = 1,608,860 - 150,000 = 1,458,860 opilio in numbers of animals

Moving on to option 4 under alternative 2, we are concerned with the implications here, for one, this would appear to fall under the innovative technology piece that was bifurcated from this action item back in February, and may be more appropriate to be addressed there. What is more concerning is the language used in option 4 that states “*allow hardware that secures technology to the trawl as long as the hardware does not change the **intended performance of the trawl***”. The key words there being “intended performance of the trawl”. What is the intended performance of pelagic trawl? Is that referring to the fishery being “pelagic” and therefore off the bottom, so the hardware that would be attached to the trawl to secure any technology would not cause the net to make contact with the seafloor? Or is there other intended performance of the trawl this is referring to? We are concerned that pelagic trawl fishing (in Federal waters) has not been defined as whether the gear is on or off the bottom. Page 30 of this document provides the pelagic trawl as defined by the State reads, in part, “*A pelagic trawl is a trawl where the net, or the trawl doors or other trawl-spreading device, **do not operate in contact with the seabed.***” The pelagic trawl definition for the fisheries of the Exclusive Economic Zone off Alaska could clarify how this gear is intended to be fished by including language in the definition. The Council could choose to align with the previously mentioned State Waters definition, which is similar language found under 50 CFR 660.11 for fisheries off the West Coast States. Or the Council could choose to employ the approach similar to what is outlined for pelagic trawl fishing in the Gulf of Alaska, not to exceed 10%. Leaving the definition, or the intent, of pelagic fishing undefined, creates confusion and lacks clarity or direction, particularly when an option references the intended performance of pelagic trawl.

Furthermore, going back to the language within the purpose and need statement, we pointed out earlier where the Council stated, “*the purpose of the action is to align regulations with the **longstanding interpretation of pelagic trawl gear in Alaska...***”, in reference to outdated text in the definition and making an argument to remove such. We would point out that there is also an argument to be made that the longstanding interpretation, to use the Council’s words, was that pelagic trawl fishing was indeed pelagic. Over the past few years, it has been made clear that that may not be the case and perhaps never was the case. Regardless of what or what not was intended all those years ago, we would like the Council to consider clearly defining what pelagic trawl fishing is for Alaska’s federal waters, so it is not open to interpretation in the future, but rather clearly defined.

In summary, we have concerns with option 1 under alternative 2 and prefer to see specific regulations for the pelagic trawl codend detailed within the regulations under 50 CFR 679.2 that would allow the necessary components to maintain fishing practices, rather than exclude the codend from these regulations altogether. We agree that there is benefit in removing outdated text as stated under option 2. We appreciate the use of bycatch reduction devices and encourage continued gear innovation, and a definition should allow for that. With that being said, we wonder if option 3 and option 4 may be more appropriately included when the upcoming Council agenda item on pelagic trawl performance standard and gear innovation is taken up. As these both topics may be better suited for such, but understanding there may need to be some sort of flexibility written in to the regulatory definition.

Sincerely,



Gabriel Prout
President
Alaska Bering Sea Crabbers