

Longline Pot Gear in Gulf of Alaska Sablefish IFQ Fishery

Effective January 27, 2017

Summary compiled by SE AK Fishermen's Alliance

[Link to Final Rule](#)

[Link to EA Analysis](#)

Application will be available after January 27th and pot tags will be available after IFQ's are issued.

This final rule authorizes regulations to allow the use of longline pot gear for catcher vessels and catcher/processors participating in the Gulf of Alaska (GOA) sablefish IFQ Fishery.

In this rule "Longline Pot Gear" is pot gear with a stationary, buoyed and anchored line with TWO or more pots attached. See pot gear definition below (50 CFR § 679.2) for pot requirements.

Legal length Halibut caught incidentally in longline pot gear used in the GOA sablefish IFQ fishery is required to be retained and sold if any IFQ permit holder on board has sufficient halibut IFQ pounds to for the retained halibut. Halibut not legal to be kept must be released following all the same rules as for the hook and line directed fishery.

The season dates for longline and pot fishing **are the same** and coincide with the Halibut IFQ seasons.

RECORDKEEPING AND REPORTING:

A Longline pot gear vessel even if under 60 feet must comply with all recordkeeping and reporting as a vessel over 60 feet. The owner of a Longline pot gear catcher vessel (of any size) must annually register for the fishery and register for pot tags, and the vessel operator must maintain a Daily Fishing Log (DFL). Daily fishing log must be filled out within 2 hours after completion of gear retrieval. Information required includes sablefish IFQ numbers, set number, date and time gear set, date and time gear hauled, beginning and end positions of set, number of pots set, length of pot longline set to the nearest foot, the size of the pot, and spacing of pots, lost pots at time of retrieval, and estimated weight harvested for each set. Where appropriate by area regulations, the number of pots left deployed. A vessel registered to fish with longline pots must have operating VMS onboard (see additional information on VMS at 50 CFR § 679.28 below).

At the time of calling in your Prior Notice of Landing, you must also provide the gear type used, number of pots set, number of pots lost, and number of pots left on the fishing grounds in addition to the other currently required information.

OBSERVER PROGRAM – No changes, call in as currently required.

SEABIRD AVOIDANCE – Vessel operators using longline pot gear in the GOA sablefish IFQ fishery are not required to comply with seabird avoidance measures under this final rule.

GEAR MARKING

Each end of a set of longline_pot gear deployed to fish IFQ sablefish in the GOA must have attached a cluster of four or more marker buoys including one hard ball marked with the capital letters “LP” in addition to the FFP number of the vessel or the ADF&G vessel registration number and a flag mounted on a pole, and radar reflector floating on the sea surface.

MAXIMUM POT REQUIREMENTS & DEPLOYMENT REQUIREMENTS

Southeast Outside (SEO):

A vessel operator is limited to deploying a maximum of 120 pots

A catcher vessel operator must retrieve and remove from the fishing grounds all longline pot gear that is assigned to the vessel and deployed to fish IFQ sablefish when the vessel makes an IFQ landing.

West Yakutat (WY):

A vessel operator is limited to deploying a maximum of 120 pots.

A catcher vessel operator must redeploy and remove from the fishing grounds all longline pot gear that is assigned to the vessel and deployed to fish IFQ sablefish within five days of deploying the gear.

Central Gulf of Alaska:

A vessel operator is limited to deploying a maximum of 300 pots.

A catcher vessel operator must redeploy and remove from the fishing grounds all longline pot gear that is assigned to the vessel and deployed to fish IFQ sablefish within five days of deploying the gear.

Western GOA

A vessel operator is limited to deploying a maximum of 300 pots.

A catcher vessel operator must redeploy and remove from the fishing grounds all longline pot gear that is assigned to the vessel and deployed to fish IFQ sablefish within seven days of deploying the gear.

All Areas:

Council stated that hauling, re-baiting, and re-setting a pot longline string would meet the requirement of moving or tending gear under this option.

Longline pot gear used on multiple vessels. Longline pot gear assigned to one vessel and deployed to fish IFQ sablefish in the GOA must be removed from the fishing grounds, returned to port, and must have only one set of appropriate vessel-specific pot tags before being deployed by another vessel to fish IFQ sablefish in the GOA.

POT TAGS

A valid pot tag must be attached to each pot on board the vessel to which the pot tags are assigned before the vessel departs to fish for the regulatory area being fished.

A valid pot tag must be attached to a pot bridge or cross member such that the entire pot tag is visible and not obstructed.

A vessel operator may attach more than one area-specific tag to a pot if the vessel will be fishing in multiple areas. The pot tag must be registered to the vessel and be the appropriate color for the area being fished. The vessel operator must comply with the area-specific pot limits.

The cost of Pot tags will be included in the cost of the IFQ program and collected as part of the cost recovery fee.

Each regulatory area will have a different color of pot tag. SE – pink; WY – blue; CG – green; and WG – white.

To replace lost pots, they must request replacement pot tags from NMFS. They will be required to provide the lost pot tag numbers and describe the circumstances under which the pot or pot tags were lost.

QUOTA SHARE PERMIT RIDE ALONGS

This final rule does not change the requirement for an IFQ permit holder to be aboard the vessel at all times during the fishing trip while his or her IFQ is harvested and to be present during the landing. The final rule does not change the definition of “fishing trip” at § 679.2 for

purposes of the IFQ program, which is the period beginning when a vessel operator commences harvesting IFQ species and ending when the vessel operator lands any species.

LONGLINE POT NPFMC REVIEW will occur three years after implementation. The Council has already specifically noted the three-year review will evaluate whether the use of longline gear has impacted fishing community participation in the fishery or prices of sablefish quota that might adversely affect new entrants or small scale operators looking to grow their business. The review will also provide NMFS and the Council the opportunity to assess potential gear conflicts under this final rule.

50 CFR § 679.2 Definitions

(15) Pot gear means a portable structure designed and constructed to capture and retain fish alive in the water. This gear type includes longline pot and pot and-line gear. Each groundfish pot must comply with the following:

(i) Biodegradable panel. Each pot used to fish for groundfish must be equipped with a biodegradable panel at least 18 inches (45.72 cm) in length that is parallel to, and within 6 inches (15.24 cm) of, the bottom of the pot, and that is sewn up with untreated cotton thread of no larger size than No. 30.

(ii) Tunnel opening. Each pot used to fish for groundfish must be equipped with rigid tunnel openings that are no wider than 9 inches (22.86 cm) and no higher than 9 inches (22.86 cm), or soft tunnel openings with dimensions that are no wider than 9 inches (22.86 cm).

50 CFR § 679.28 (f) Vessel Monitoring System (VMS) Requirements

(3) *What are the vessel owner's responsibilities?* If you are a [vessel owner](#) that must participate in a VMS, you or your crew must:

(i) Obtain a NMFS-approved VMS transmitter with transmission capabilities required for the areas of [vessel](#) operation and have it installed onboard your [vessel](#) in accordance with the instructions provided by NMFS. You may get a copy of the VMS installation and operation instructions from the [Regional Administrator](#) upon request.

(ii) Activate the VMS transmitter and receive confirmation from NMFS that the VMS transmissions are being received before engaging in operations when a VMS is required.

(iii) Continue the VMS transmissions until no longer engaged in operations requiring VMS.

(iv) Stop [fishing](#) immediately if:

(A) Informed by NMFS staff or an [authorized officer](#) that NMFS is not receiving position reports from the VMS transmitter, or

- (B) The vessel operator determines that the VMS is not transmitting properly.
- (v) Make the VMS transmitter available for inspection by NMFS personnel, observers or an authorized officer.
- (vi) Ensure that the VMS transmitter is not tampered with, disabled, destroyed or operated improperly.
- (vii) Pay all charges levied by the communication service provider.
- (4) What must the vessel owner do before activating a VMS transmitter for the first time? If you are a vessel owner who must use a VMS and you are activating a VMS transmitter for the first time, you must:
- (i) Register the vessel's VMS unit with an appropriate service provider;
- (ii) Use VMS check-in report to contact OLE by fax at 907-586-7703 and provide the date (mm/dd/yyyy), vessel name, USCG documentation number, FFP number or Federal crab vessel permit number, name and telephone number of contact person, and VMS transmitter ID or serial number; and
- (iii) Call OLE at 907-586-7225, Monday through Friday, between the hours of 0800 hours, A.l.t., and 1630 hours, A.l.t., at least 72 hours before leaving port and receive confirmation that the transmissions are being received.
- (5) *What must the vessel owner do when the vessel replaces a VMS transmitter?* A vessel owner who must use a VMS and who intends to replace a transmitter, must follow the reporting and confirmation procedure for the replacement transmitter, as described in paragraph (f)(4) of this section.

PROPOSAL FOR VOLUNTARY LONGLINE POT GEAR REPORTING PROGRAM

The Council and NMFS did not implement any public access to lost pot coordinates or area being fished although they considered it for two reasons. The information is confidential under the Magnuson Stevens Act and possibly other laws and NMFS Enforcement could not enforce a requirement to report lost pots because it is not possible to verify that fishing gear is lost.

During public testimony, advocates for longline pot fishing suggested a voluntary pot gear reporting program. The program as described in 4.9.4 of the analysis is:

GOA sablefish participants who advocated before the Council for the ability to use pot longline gear as a means to address whale depredation are cognizant of how their gear choice might impact other stakeholders. Pot longline advocates testified on approaches meant to assure the Council of their ability and willingness to provide information on the location of pot longline gear on the fishing grounds, in as

close to real-time as is practicable, and without placing additional cost burdens on the HAL fleet. These proponents presented a voluntary measure in the form of a written “agreement”, which would set out expectations of, and best practices by, those who opt to use pot longline gear.

While the Council did not recommend the formalization of a gear group agreement as part of its preferred alternative (Section 4.10), aspects of the proposal described below played a role in guiding language that was included in the Council’s motion at final action in April 2015. Fishermen’s willingness to work beyond gear specifications and gear retrieval requirements that could have been set in regulation, combined with the Council’s commitment to review the fleet’s co-management progress after implementation, gave both stakeholder and decision-makers comfort that legal gear and marking technology did not need to be defined with highly specific regulatory language.

The motivation to develop a framework agreement, to which pot longline vessels could sign on annually, is two-fold: (1) formalizing a commitment to mitigating gear conflict impacts on HAL fishermen, and (2) maintaining flexibility in finding and deploying the best available technology to accomplish effective gear tracking, as that technology evolves and improves over time. The key concern with regulating gear tracking technology is that a device defined in regulation could become both expensive and outdated by the time that a final rule is implemented, or soon after. The Council and NMFS could face time consuming tasks in updating gear specifications as new best practices emerge. Regulating technology could also have the unintended effect of reducing a pot longline fleet’s incentive to invest in more effective tools as they emerge. Moreover, disseminating gear location data could require sharing information that is confidential when handled by a government agency. Finally, voluntary agreements between stakeholders utilize social relationships within the fishery to ensure that best practices are actually adopted and used to their full benefit.

When considering a cooperative approach, the Council is typically concerned with two issues: ensuring the voluntary nature of cooperative membership, and retaining its own authority over management of the fishery. Whether or not the use of a gear group agreement requires regulatory language depends on whether the agreement is considered “voluntary”. As it was presented to the Council, GOA sablefish fisherman would not be required to sign onto an agreement because each individual would have the option to continue using HAL gear. If use of pot longline gear is made contingent upon signing an agreement, this approach would have elements similar to many cooperative management programs. From a confidentiality perspective, it may be difficult for NMFS to require a fisherman to join a cooperative whose terms include the disclosure of gear location information. To this point, the proponents who suggested that a gear group agreement could retain a third-party to whom the signatories would give authority – outside of the agency – to monitor compliance with the terms of the agreement. That approach does not, however, address the risk that a vessel operator might choose to deploy pot longline gear without signing on to the agreement. In regards to management responsibility, signatories to a gear group agreement would not need, or necessarily seek, any authority over when, where, or how many sablefish are harvested. The Council has enabled cooperatives in other Alaska fisheries to develop and implement incentives to address management objectives, and has retained oversight by requiring those cooperatives to make annual public reports at Council meetings.

The terms of the voluntary agreement proposed before the Council would have covered specifications and procedures for marking and tracking pot longline gear, as well as annual reporting to the Council and NMFS. Gear marking requirements could include the labeling of buoys with a vessel’s FFP or ADF&G

registration number, and/or some signal that the buoy is attached to pot longline gear that is targeting sablefish IFQ. This type of requirement could also be set in regulation. The agreement could also require that a satellite tracking device or radar reflector is attached to the buoy when the pot longline gear is fishing or otherwise left on the grounds. The agreement could require that a sablefish pot longline vessel utilize gear transponder devices such as AIS or the other technologies discussed in Section 4.9.5, below. The agreement could also require reporting of latitude and longitude the ends of a pot longline string either to a map-based service – e.g. Marine Exchange of Alaska’s (MXAK) provision of AIS data – or to an email list that is available to other IFQ harvesters. Processors, many of whom already subscribe to MXAK’s AIS service, could provide latitude/longitude information to non-pot harvesters who deliver to their plant(s). Finally, the agreement could require the reporting of the last known time and location of lost pot longline gear and pots, or incidences of gear conflict; that information could also be reported to the aforementioned map-based service or email list.

The presented agreement would have required permit holders using pot longline gear to present a collective annual report to the Council, covering such items as: the number and circumstances of interactions between pot longline gear and non-pot gear, the approximate location of lost gear, and estimates of bycatch by pot longline vessels. The parties providing the report would be functioning in a manner similar to a voluntary cooperative. The communication required to develop the report would constitute an opportunity to exchange information on new technology applications that further the Council’s objective of limiting gear conflict, and innovations that improve the battery life and durability challenges associated with fielding a capable and cost-effective transponder device. Members of the gear group would continually refine the best approach for sharing pot longline gear location information in a manner that is accessible to all participants and not overly burdensome on any entity in particular. At the Council’s suggestion, a gear group might also be able to aid in-season managers by notifying NMFS when an IFQ harvester or longline pot vessel plans to stop fishing for the year. That information could be of service in applying any end-of-season pot longline gear removal requirements under Option 2, thus, reducing the time that fishing grounds are preempted as much as possible.