

North Pacific Fishery Management Council

Dan Hull, Chairman
David Witherell, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.npfmc.org>

Enforcement Committee Minutes October 3, 2017

The North Pacific Fishery Management Council's Enforcement Committee met on October 3, 2017 in Anchorage, Alaska.

Committee members in attendance included CAPT Stephen White (Interim Chairman), Glenn Merrill, Will Ellis, Alisha Falberg, Brian McTague, and LCDR Corrie Sergent. The committee was staffed by Jon McCracken.

Others in attendance included: Kurt Iverson, Tim Comer, Samantha Weinstein, and Jim Hasbrouck

I. C2 Mixing of Guided and Unguided Halibut

At the June 2017 meeting, the Council initiated an analysis for limiting the possession of guided and unguided halibut simultaneously on a vessel. Alternatives for consideration include: 1) no action; 2) prohibit the possession of guided and unguided halibut simultaneously on any vessel; and 3) if halibut harvested using sport fishing guide services is possessed with halibut harvested not using sport fishing guide services on Convention Waters in Area 2C or 3A, the IPHC annual management measures for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard the fishing vessel. The Enforcement Committee reviewed the initial review analysis during this meeting. Based on that review, the following are the committee's recommendations:

1. At the top of page 11 of the initial review draft, staff has recommended the language in Alternative 2 be modified from "vessel" to "fishing vessel" to better align with the Northern Pacific Halibut Act. Recognizing the Northern Pacific Halibut Act is broad enough to cover nearly all types of effected entities that could mix guided and unguided halibut, the committee agrees with staff on the modification to Alternative 2.
2. In the middle of page 11 of the initial review draft, staff has recommended that Alternative 2 include a new Suboption 2.1 to provide clarity to the regulated public concerning the inclusion of "other floating facility." After further review by the committee, we recommend not including a new Suboption 2.1. The committee recognizes that the definition of "fishing vessel"¹ in the

¹ Fishing vessel is defined at 16 U.S.C. § 773(f) as follows:

- (1) any vessel engaged in catching fish in Convention waters¹ or in processing or transporting fish loaded in Convention waters;
- (2) any vessel outfitted to engage in any activity described in paragraph (1); or
- (3) any vessel in normal support of any vessel described in paragraph (1) or (2)"

Northern Pacific Halibut Act in combination with the definition of “vessel²” in the U.S. Code is more concise, appropriate, and sufficient to adequately cover the potential effected entities for this proposed action, which are fishing vessels that may mix guided and unguided halibut.

3. Near the bottom of page 11 of the initial review draft, staff has recommended that unguided anglers under Alternative 3 be restricted to guided regulations that pertain to size restrictions, carcass retention for size-restricted halibut, and bag and possession limits. The committee agrees with staff recommendation. The additional guided regulations that include recording harvest in a logbook, day-of-the-week closures, and annual limits are not necessary.
4. The committee recommends the Council remove Suboption 3.1 from consideration. After review by the committee, the definition of “fishing vessel” in the Northern Pacific Halibut Act in combination with the definition of “vessel” in the U.S. Code is more concise, appropriate, and sufficient to adequately cover or define the potential effected entities for this proposed action, which are fishing vessels that may mix guided and unguided halibut. If the Council decides to leave this Suboption 3.1 for consideration, the committee recommends using consistent language throughout the analysis, referring to “other floating facility”.

² Vessel at 1 U.S.C. § 3 as follows: every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.