

Enforcement Committee Minutes
Anchorage, Alaska
October 7, 2014

Committee: Roy Hyder (Chair), CAPT Phil Thorne, LCDR Courtney Sergeant, Brian McTague, Nathan Lagerwey, Kevin Heck, Glenn Merrill, Nicole Kimball, and Jon McCracken (staff)

Others attending in person include: Matt Brandt, Murray Bauer, Guy Holt, Seanbob Kelly, Sarah Marrinan., Sally Bibb, Heather McCarty, Karl Haflinger, and Stephanie Madsen,

I. CDQ Pacific cod Fishery Development – Public Review

At this meeting, Sarah Marrinan (Council staff) and Sally Bibb (NMFS staff) provided a summary of the Public Review Draft of the CDQ Pacific cod fishery development action. In the past, the Enforcement Committee has commented on the proposal to exempt small vessels fishing Pacific cod CDQ from the requirements to operate vessel monitoring system (VMS). Additionally an inter-agency enforcement teleconference contributed to the development of a method to establish at-sea identification on these vessels to ensure enforcement action is not taken without proper cause. The presenters explained the preliminary preferred alternative (PPA) set by the Council in June of 2014, and the minor updates that have occurred on the PPA in the interim. In the PPA, the Council is discontinuing the consideration of exempting small vessels participating in the Pacific cod fishery from VMS requirements, consistent with previous Enforcement Committee recommendations. The committee was provided a summary of Option 1 and 2, noting that NMFS is not recommending adding Option 2 to the PPA as currently written.

The presenters explained that in addition to what has been analyzed in the paper, the CDQ groups intend to request for more flexibility in Option 3. CDQ groups typically prosecute their halibut CDQ/ IFQ fisheries in a much shorter time period than the IPHC allows for. While Option 3 in the analysis considers allowing the directed Pacific cod fishery for small vessels to occur using halibut prohibited species quota (PSQ), it limits this opportunity to time periods when an amount of halibut CDQ is not available to the CDQ groups (i.e., before and after the IPHC season, and in the event that a targeted halibut CDQ fishery does not exist). The CDQ groups are interested in establishing their own dates in which a directed Pacific cod CDQ fishery with a PSC rate deducted would switch over to a dual-target fishery for halibut CDQ/ IFQ and Pacific cod CDQ. The groups want this date to better reflect their practical seasonal application for halibut CDQ, thereby allowing space for a directed Pacific cod CDQ fishery to emerge before and possibly after the dates they have established.

An Enforcement Committee representative noted that the complexity of at-sea enforcement could increase if there were different seasons for halibut CDQ vessels relative to halibut IFQ vessels and also potentially if there were changes to those seasons from year to year. The Committee noted that it would be difficult to determine the status of a vessel (whether it was required to retain halibut CDQ or whether it was required to discard halibut PSC) without an approach that identifies the season dates for the halibut CDQ fishery and a list of CDQ vessels that are operating in this fishery.

After reviewing language in the Public Review Draft of the analysis, the Enforcement Committee formally recommended that the Council move forward on the PPA as outlined. The Committee continues to recommend the Council not reconsider its position on requiring these small vessels participating in a directed Pacific cod CDQ fishery to operate a VMS unit, which is an important tool for monitoring area closures for targeting this Stellar Sea Lion prey species. Finally, if the Council considers allowing the CDQ groups to establish dates within the halibut IPHC season in which the CDQ vessels would not be considered halibut CDQ fishing, the Committee recommends that the season dates for the CDQ halibut

fishery be identified and disclosed prior to the beginning of the fishing year in order to reduce the enforcement issues that could occur.

II. Update on Proposed VMS Rule

Guy Holt (NMFS OLE) provided a brief summary of a proposed rule that was published in the Federal Register on September 9, 2014, which will codify VMS type-approval specifications, revise latency standards, and establish initial type-approval, renewal, revocation, and appeals processes for industry and constituents. It was noted to the Committee that some VMS units are not consistently reporting VMS data, and this lack of data is negatively impacting management of Alaska fisheries. During the presentation, the Committee briefly discussed the potential for financial difficulties for those vessels required to replace VMS units under the new regulations. Mr. Holt reported that the proposed rule does include language for reimbursement opportunities for vessels with revoked VMS units.

III. Work Session update on VMS report – Discussion Paper

Over a series of three meetings in 2012, the Council reviewed a discussion paper regarding the use and requirements of VMS in North Pacific fisheries and other regions of the U.S. At the December 2012 meeting, the Council reviewed a discussion paper that evaluated, among other things, how advanced features of VMS are being utilized in other regions in the U.S. Based on those different usages, the Council recommended that the Enforcement Committee assess the utility of features such as geo-fencing, increased polling rates, and declarations of species, gear, and area for improving enforcement efforts and efficiency for vessels already subject to VMS requirements. To address the Council's request, a discussion paper was prepared and reviewed by the Committee. After reviewing the discussion paper at this meeting, the Committee recommends the discussion paper be released for Council review.