



Enforcement Committee

MINUTES

January 28, 2021

The North Pacific Fishery Management Council's Enforcement Committee met on January 28, 2021 from virtually.

Committee Members in attendance included: Steve Marx (Co-Chairman), Will Ellis (Co-Chairman), LCDR Jedediah Raskie, Alicia M. Miller, Andrea Hattan, Jennifer Ferdinand, Karla Bush, Brian McTague, Anne Marie Eich, Tom Meyer, and Nathan Lagerwey. The committee was staffed by Jon McCracken.

Others in attendance included: LT Ben Hinchman, Terry Haines, Benjamin Cheeseman, Gary Dreyzin, Heather Mann, Alex Perry.

1. C3 IFQ Sablefish Release Allowance

James Armstrong, Council staff and Joseph Krieger, NMFS staff, provided an overview of the initial review draft of Agenda item C3, IFQ Sablefish Release Allowance, and enforcement issues associated with authorizing sablefish discards. The Enforcement Committee found the analysis and the discussion helpful. The committee noted that the initial review analysis accurately captures the enforcement concerns. The committee recognized that the analysis was focused on Alternative 2 of the Council's motion that would eliminate the regulatory restrictions prohibiting the release of sablefish caught by sablefish IFQ vessels and allow for voluntary discards. For at-sea enforcement operations, this would involve observing fishery operations and ensuring that sablefish not retained by IFQ vessels are returned to the sea immediately, with a minimum of injury and that discards are accurately reported in the logbook as required. The primary compliance monitoring tools for this would be limited to at-sea boardings, observed trips, and electronic monitoring (EM) trips. Further, careful release regulations would need to be specific, similar to the careful release regulations for halibut.

Beyond enforcement of compliance with sablefish discarding regulations at the vessel level, the Enforcement Committee identified that the analysis also discussed the potential need for increasing observer/EM coverage for IFQ sablefish vessels to better determine sablefish discard mortality estimates. It was noted there could be differential bias due to high value of larger fish and that very different behavior may occur during observed trip and unobserved trips which suggest the need for increased observer coverage. Increases to Observer or EM coverage on IFQ sablefish vessels would also aid compliance monitoring and enforcement efforts associated with observer/EM reported violations.

Finally, the Enforcement Committee discussed potential action the Council might take in authorizing sablefish discards, such as implementing a size limit in a future analysis. This would create additional enforcement concerns pertaining to the limited compliance monitoring tools that would be available to enforce a size limit and detect high grading violations. The primary compliance monitoring tools would be limited to at-sea boardings, observed trips, and electronic monitoring trips. The Enforcement Committee also discussed the added cost that would be incurred to review electronic monitoring video for illegal discards, and current EM technology is not able to identify illegal discard (size limit) of sablefish to the accuracy/fidelity required as evidence to support a violation for prosecution.

Beyond enforcement of compliance with sablefish discarding regulations at the vessel level, the Enforcement Committee agreed that risk will need to be addressed in a future analysis and be reviewed to ensure regulations or other management structures do not create unintended mismatch between sablefish discard accounting and discard reporting and monitoring mechanisms. Both enforcement and management rely on the same monitoring tools: observers, EM, and logbooks to accomplish their mission regarding sablefish discard monitoring/reporting. Potential issues to be addressed could include: (1) accuracy of trip-level discard reporting, (2) observer involvement in compliance and the observer bias effect at the fishery level vice vessel level, (3) cost for review of EM video, (4) ability of EM technology to determine size of discards, and (5) the monitoring/reporting requirements mandated by other statutes (e.g., Marine Mammal Protection Act).

2. Discussion of Potential Draft Agenda Items for Future Enforcement Committee Meeting

The committee reviewed the 3-meeting outlook to determine which agenda items the committee is planning on reviewing. Below is the agenda item the committee is planning on reviewing:

| Agenda Issue and Type of Document | Schedule Council Review Meeting |
|---|---------------------------------|
| Recreational Quota Entity (RQE) Funding Mechanism | April 2021 |
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