

North Pacific Fishery Management Council

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Enforcement Committee Agenda

April 3, 2018 1pm – 4pm
Hilton Hotel, Birch/Willow Room, Anchorage, Alaska

1. *C4 Mixing of Guided and Unguided Halibut*..... 1
2. *NOAA Office of Law Enforcement 5-Year Priorities*..... 4
3. *Discuss Co-Chair Status, Departure of Captain White, and Review Terms of Reference* 5

1. C4 Mixing of Guided and Unguided Halibut

Background:

At the June 2016 meeting, the Council tasked staff to prepare a discussion paper on the mixing of guided and unguided halibut on the same vessel for presentation at a future Council meeting. Different regulations apply to guided and unguided (i.e., chartered and non-chartered) halibut fishing trips. For example, unguided sport fishermen may harvest halibut of any size without restriction and they are not subject to an annual catch limit. Charter vessel anglers, or guided fishermen, on the other hand, are subject to restrictive regulations on daily bag limit, size, daily closures, and annual catch limit.

The Enforcement Committee at their October and December 2016 meetings developed a discussion paper to address the Council's June 2016 request. After reviewing the discussion paper, the Council initiated an analysis for limiting the mixing of guided and unguided halibut on the same 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.

After reviewing the discussion paper, the Council initiated an analysis for limiting the mixing of guided and unguided halibut on the same vessel. During the October 2017 meeting, the Council reviewed the initial review analysis. After reviewing the analysis, the Council released the document for public review. The Council also revised the purpose and need statement to clarify that this action applies to fishing vessels and not floating lodges. The Council selected Alternative 3 as its preliminary preferred alternative, and recommended the analysis be revised to include the following additional information:

- Staff and Enforcement Committee revisions, except the recommendation to include a new suboption 2.1.
- Changes that led to an increase in multi-day mothership operations and increasing potential for mixing halibut.
- The regulatory history of current prohibitions on mixing halibut in the commercial, subsistence, and sport fisheries.

- Description of mothership sport halibut operations in areas 2C and 3A.

Below are the alternatives for consideration and suggested staff changes to the alternatives.

Alternative 1: Take no action

This alternative is the no action alternative. Currently, there are no regulatory provisions to prohibit the mixing of guided and unguided halibut.

Alternative 2: Prohibit the possession of guided and unguided halibut simultaneously on any fishing vessel

Alternative 2 would prohibit the mixing of halibut harvested by guided and unguided operations in IPHC Areas 2C and 3A on a fishing vessel. Halibut caught under one operation type (guided or unguided) must be offloaded from the fishing vessel and removed to shore before halibut from the other operation type may be brought onboard.

Alternative 3, Preliminary Preferred Alternative: 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.

Under Alternative 3, if mixing of halibut occurs onboard a fishing vessel, all halibut anglers, including unguided anglers, are bound by the IPHC annual management measures and applicable federal regulations for guided sport fishing. This alternative would have the effect of requiring unguided anglers to abide by bag and possession restrictions, size restrictions, carcass retention for size-restricted halibut, recording harvest in a saltwater logbook, day-of-the-week closures, and annual limits.

Table 1 provided below summarizes the impacts of the alternatives.

Table 1 Summary of Alternatives

Alternative/ suboption	Costs	Benefits
<p>Alternative 1- Status quo</p>	<ul style="list-style-type: none"> • As guided restrictions increase relative to unguided restrictions, anglers are likely to choose unguided fishing trips on multi-day fishing vessels which could increase mixing of halibut • Anglers and operators could label halibut caught with the assistance of a guide as unguided halibut to circumvent regulations • Compliance will continue to be challenging, and vessel boardings will continue to be longer due to mixed guided and unguided halibut on the fishing vessel 	<ul style="list-style-type: none"> • Provides multi-day fishing vessels the most flexibility to accommodate both guided and unguided anglers at the same time without incurring the cost of transporting halibut to shore or turning away one category of anglers to prevent mixing of halibut • Allows crewmembers to fish as unguided anglers while not working
<p>Alternative 2 - Prohibition of mixing</p>	<ul style="list-style-type: none"> • Could result in reduced flexibility and lost revenue for multi-day fishing vessels that provide both guided and unguided trips from the same vessel due to restricting halibut fishing to guided or unguided, but not both at any one time • Could increase operating costs for multi-day fishing vessels that continue to offer both guided and unguided fishing due to transporting either guided or unguided caught halibut to shore to prevent mixing • Crewmembers would be prohibited from unguided halibut fishing due to mixing of halibut when halibut harvested by guided anglers are onboard the fishing vessel 	<ul style="list-style-type: none"> • Improve accountability and enforcement by providing clear and concise regulations for guides, anglers, and authorized officers in the field • Maximize compliance and reduce the duration of at-sea vessel boardings
<p>Alternative 3 - Use Guided Regulations if mixing</p> <p><i>Preliminary Preferred Alternative</i></p>	<ul style="list-style-type: none"> • Unguided anglers, including crew members, would be subject to stricter guided regulations if mixing of halibut on a multi-day fishing vessel is occurring • Could result in lost revenue for multi-day fishing vessels due to less demand by unguided anglers • Could increase cost for multi-day vessels that continue to offer both guided and unguided fishing due to transporting halibut to shore to prevent mixing • Reporting unguided harvest in saltwater logbook would be problematic since ADFG would be required to modify logbooks and databases to accommodate unguided harvests • Unguided harvest might count towards guided allocation • Could overestimate unguided halibut harvest when mixing is occurring since unguided harvest would be reported in the saltwater logbook and captured in statewide harvest survey • Recording of annual limits by unguided anglers could cause confusion for anglers and complications for at-sea enforcement 	<ul style="list-style-type: none"> • Allows multi-day vessels to mix guided and unguided caught halibut • Allows crewmembers to fish when guided anglers are onboard multi-day fishing vessel • Improve accountability and enforcement by providing regulations that are clearer and more concise relative to Alternative 1.

2. NOAA Office of Law Enforcement 5-Year Priorities

On March 2, 2018, NOAA released the OLE 5-year priorities document. These priorities were developed through an extensive stakeholder engagement process and will help OLE accomplish its mission, guide its strategic planning, and focus the use of law enforcement assets where they are most needed. The full report is available located at <https://www.fisheries.noaa.gov/resource/document/enforcement-priorities-fiscal-years-2018-2022>. Below are the priorities for the Alaska Division:

Alaska Division

Alaska supports a massive seafood industry and has the greatest number of domestic fish landings in the United States, with 59 percent of all U.S. seafood landings, measured by weight. If it were a country, Alaska would be the ninth largest seafood producer in the world. Waters off Alaska account for more than half of all annual U.S. seafood harvests. Alaska also has five of the nation's top 10 fishing ports ranked by value of landings. Alaska's coastal communities are uniquely dependent on living marine resources and healthy marine ecosystems. The seafood industry is Alaska's largest private sector employer, accounting for one in every seven Alaska jobs. In addition to the roles of commercial and recreational fishing, subsistence fishing serves as an irreplaceable source of food for much of rural Alaska and is interwoven into the cultural identity of Alaska Natives and coastal communities.

Division Priorities

Sustainable Fisheries

- Patrol, outreach, and investigation to deter and detect:
 - Observer assault, sexual assault, harassment, observer safety, interference, and significant sample bias violations.
 - Violations involving prohibited species bycatch management measures.
 - Commercial vessel incursions into closed or protected marine areas.
 - Trafficking of illegally harvested and/or illegally commercialized marine resources, including sale or commercial use of sport- and subsistence-caught halibut.
 - Violations that degrade agency data quality, including electronic monitoring and reporting (flow scales, video, data loggers, electronic logs, etc.), recordkeeping and reporting, observer data, and observer coverage.

Protected Resources

- Patrol, outreach, and investigation to detect and deter:
 - Illegal takes of marine mammals, with an emphasis on:
 - Intentional illegal killing or injuring of Steller sea lions, Cook Inlet beluga whales, or other marine mammals.
 - Violations resulting in marine mammal stranding, entanglement, injury, or mortality.
 - Harassment of whales and other marine mammals during commercial/recreational viewing.
 - Vessel-on-whale collisions.
 - Illegal wasteful takes of marine mammals by authorized marine mammal harvesters.
 - Violations of the Lacey Act involving suspect marine mammal harvest products.
 - Violations of MMPA incidental take authorizations, including monitoring/reporting.
- Outreach and education to Alaska Native Village and Council governments regarding subsistence harvest of whales, with an emphasis on Bering Sea communities.

IUU Fishing/International

- Collaborate with law enforcement partners to enforce Port State Measures and to detect, deter, and investigate:
 - Foreign transshipment and fishing activity in violation of U.S. law or international treaty.
 - Maritime Boundary Line incursions by foreign fishing, fishing support, and transshipment vessels.
 - Illegal imports or undeclared product on foreign vessels.
 - Transshipment and export of illegal product from U.S. fishing vessels.

Seafood Fraud

- Patrol, outreach, and investigation to detect and deter:
 - Seafood safety violations under the jurisdiction of NOAA where public health and safety is at risk.
 - Mislabeling or misbranding violations having a significant impact on national or international commerce.

Wildlife Trafficking

- Patrol, outreach, and investigation to detect and deter:
 - Fish or wildlife illegally shipped or transported through Alaska airports, ports, or borders into domestic or foreign commerce.
 - Convention on International Trade in Endangered Species listed fish and wildlife or parts entered illegally into interstate or foreign commerce.

3. Discuss Co-Chair Status, Departure of Captain White, and Review Terms of Reference

NPFMC Enforcement Committee TERMS OF REFERENCE (June 2016)

1. **Establishment and Statement of Purpose.** The North Pacific Fishery Management Council (Council) may establish and maintain an Enforcement Committee to advise it on matters related to enforceability of fishery plans and regulations. The Committee's primary function is to review proposed plans, regulations, or other management actions and provide their assessment of enforcement issues as early as possible in the development process. The Committee would not be limited to purely enforcement aspects, but would also consider part of its role to be discussion and development of monitoring and compliance approaches that facilitate implementation of, and compliance with, management program regulations and consideration of measures that could affect safety at sea.
2. **Membership.** Committee members will be appointed by the Council Chair from governmental agencies and organizations having expertise relating to the enforcement and monitoring of North Pacific groundfish and crab fisheries of the BS/AI and GOA. At a minimum these agencies would include NOAA Fisheries Enforcement, NOAA Office of Sustainable Fisheries, U.S. Coast Guard, Alaska State Fish and Wildlife Protection, Alaska Department of Fish and Game, NOAA Fisheries Observer Program, and NOAA Office of General Counsel. The Committee will be Chaired by a member of the Committee, as elected biennially by the Committee. All appointments will be subject to approval by the Council and should reflect the Committee's responsibility to provide advice in the areas of enforcement and monitoring. Staff for each meeting will be designated by the NPFMC Executive Director as appropriate, depending on availability and issues on the agenda.

3. **Organization.** The Committee will be directed by the Chairperson, and may divide some of its responsibilities among work groups organized according to subject matter.
 - a) **Rules of order.** In general, rules of order will be informal. Committee advice will be reached by consensus, whenever possible. Committee minutes will reflect the range of perspectives of all members.
 - b) **Meetings.** Committee meetings will be held on a regular basis, typically in conjunction with regular Council meetings. Notice of these meetings would be accomplished through the Council agenda notice process. Additional meetings during the week of the Council meeting will be held as necessary, and announced at the Council meeting. Meetings will be open to the public, but public testimony will **not** be taken. Note that the public has the opportunity to provide comments to the Council during public testimony.
 - c) **Development of Agenda.** A draft agenda will be prepared in advance of each meeting by the Council staff in consultation with the respective Chairperson and Executive Director. The Committee would be assigned issues for consideration on its agenda by (1) identification of future agenda items at the current Committee meeting, subject to approval by the Council; (2) identification and assignment of issues by the Council as identified during the course of a Council meeting; (3) identification of critical, time-sensitive issues between Committee/Council meetings from Council staff, agency staff, or Committee members and vetted through the Executive Director. In these instances, the Executive Director will confer with the Council Chair and Committee Chair as necessary, and determine whether the additional issue warrants inclusion on the agenda.
 - d) **Meeting Record and Distribution.** A summary report of each meeting will be prepared by the Council staff, distributed to Committee members for review, and revised as necessary before the Committee report to the Council. The Committee Chair will maintain final approval of the minutes. The Committee report will be provided to the Council on an issue-by-issue basis, similar to the AP and SSC reports, as the relevant issue is addressed on the Council agenda.
4. **Additional Function.** While the primary function of the Committee is to provide advice directly to the Council on relevant issues, it is also recognized that the Committee, or its subgroups, may provide information directly to Council staff or other agency staff for inclusion in analytical documents ultimately destined for Council review. Such activities will be coordinated between the Committee Chair and Council Executive Director.