



## Enforcement Committee

### MINUTES

March 29, 2022 1pm-3pm

Held virtually via Zoom: <https://us06web.zoom.us/j/85633416805>

The North Pacific Fishery Management Council's Enforcement Committee met on March 29, 2022, virtually.

**Committee Members in attendance included:** Steve Marx (Co-Chairman), Nathan Lagerwey (Co-Chairman), Glenn Merrill, LCDR Jedediah Raskie, Alicia M. Miller, Andrea Hattan, Jennifer Ferdinand, Brian McTague, and Aaron Frenzel. The committee was staffed by Jon McCracken.

**Others in attendance included:** Benjamin Cheeseman, Alex Perry, Sara Cleaver, Tom Meyer, and Abby Jahn.

**1. The Enforcement Committee approved Nathan Lagerwey, NOAA OLE, as Co-Chairman.**

**2. C1 IFQ Omnibus**

Sara Cleaver, Council staff, and Alicia M. Miller, NMFS staff, provided an overview of the draft final action Environmental Assessment and Regulatory Impact Review for proposed IFQ Omnibus Amendments, Agenda item C1. The Enforcement Committee (committee) found the analysis and the discussion very helpful. The committee noted that the analysis accurately captures the enforcement concerns.

**Element 1: Clarify that “slinky pots” are a legal gear for the IFQ fishery and CDQ fisheries, and revise regulations to allow the use of biodegradable twine in the door latch or pot tunnel.**

The committee recommended that regulations be specific on how to tie the biodegradable twine for either the hinged door or escape panel cut into the pot mesh to enable the twine to break in one place thereby allowing the entire panel or door to open.

The Committee also learned that the Alaska Department of Fish and Game is working with Alaska Wildlife Troopers to develop a new regulation for slinky pots requiring two biodegradable panels sewn into the side of the pot (not the door side) which would allow for at least one opening in case the other panel is covered or silted in and may not open. As a result, the proposed action could be inconsistent with future State regulations. Recognizing the federal regulation would require at least one biodegradable opening for pots used to fish sablefish IFQ, if the State of Alaska requires two biodegradable openings for groundfish pots inside State waters, pots complying with the more restrictive State proposal could still be used in federal waters. The committee recommended tracking this issue and, if necessary, provide suggested regulatory changes or adjustments to maintain consistency across state and federal waters

**Element 2: Remove buoy configuration, radar reflector, and flagpole requirements in regulation but retain “LP” marking requirement.**

As outlined in the Enforcement Precepts, the committee encourages regulations should be as simple and straightforward as possible, seek to reduce the number of regulations where possible, and improve consistency across areas. The committee noted element 2 would simplify both compliance and enforcement of gear marking requirements.

**Element 3 – Authorize jig gear as a legal gear type for the harvest of sablefish IFQ and CDQ.**

The committee had no comments or recommendations for this element.

**Element 4 - would remove the nine-inch max width of the tunnel opening for vessel IFQ sablefish. Would apply to GOA and BSAI**

The committee noted that Element 4 with the option to remove the nine-inch maximum width of the tunnel opening for vessels targeting IFQ sablefish provides the most flexibility and would potentially minimize the challenges of enforcing the nine-inch tunnel opening. In addition, the committee also noted that Element 4 with the option improves consistency across the management areas which reduces the complexity of the regulations. The committee also recognized that the removal of the nine-inch maximum width of the tunnel opening for vessels targeting IFQ sablefish could result in retention of larger halibut and sablefish. It was noted that changes in bycatch of larger halibut as a result of removing the nine-inch maximum width of the tunnel opening requirement will be captured in the observer halibut length distribution data which would allow the Council to modify the regulations if needed. Finally, the Enforcement Committee wanted to highlight the need to holistically review pot regulations to improve consistency and evaluate if tunnel size openings (as well as consideration of changes to the biodegradable panel) are necessary for pot gear used in other groundfish fisheries (see February 2022 staff tasking motion included here. <https://meetings.npfmc.org/CommentReview/DownloadFile?p=0ec25cb3-90d8-4b5c-ba4a-6c9e0a8b89f6.pdf&fileName=E%20Motion%20-%20Pot%20Gear%20Discussion%20Paper.pdf>).

**Elements 5 & 6 – Change the pot limits and the gear retrieval requirements for West Yakutat and/or Southeast Outside for vessels targeting IFQ sablefish.**

The committee noted once again that improving consistency across all areas is preferred as vessels operate across multiple regulatory areas. The committee also highlighted disadvantages of trying to enforce restrictions on gear deployment (i.e., soak time, hook/pot counts, etc.) because they are challenging to monitor during at-sea boardings, for vessel operators to interpret, and for enforcement officers to manage violations. To improve enforceability and compliance, the committee recommends ensuring consistency across FMPs and regulatory areas. It was noted during the discussion on this element that the original intent of reduced pots limits when compared to the limits for other regulatory areas in the GOA or BSAI was to limit pot deployment and therefore gear conflicts with hook and line gear in West Yakutat and the Southeast Outside. Raising the pot limit for these areas would be counter to that original intent. The committee noted from an enforcement perspective that no limit or a 7-day limit for gear retrieval would be preferable. Finally, it was also noted that the use of slinky pots will improve safety at-sea due to the reduced weight of slinky pots relative to traditional pots and how this relates to vessel stability.

## **Additional Considerations**

### **Daily Fishing Logbook (DFL) requirements for vessels less than 60 ft LOA using more than one gear type.**

The Enforcement Committee supports the clarification of the single logbook requirement.

### **Fishing effort information recorded in the Daily Fishing Logbook.**

From the Enforcement Committee's perspective, having greater clarity with regards to spatial data will be invaluable for investigating closed area incursions to get more clarity on whether there are false statements, so the committee encourages the continued in-depth review of regulations.

### **3. Discussion of Potential Draft Agenda Items for Future Enforcement Committee Meetings**

The committee reviewed the 3-meeting outlook to determine which agenda items the committee is planning on reviewing and has tentatively scheduled a review of the OLE Alaska Division 5-year priorities, Observer Annual Report for 2021 (Enforcement Chapter), and a review of the trawl EM analysis which are both scheduled for the June Council meeting.