



Enforcement Committee

MINUTES

December 3, 2019

The North Pacific Fishery Management Council's Enforcement Committee met on December 3, 2019 in Anchorage, Alaska.

Committee Members in attendance included: Steve Marx (Co-Chairman), Nathan Lagerwey, CDR Jason Brennell, LCDR Yvonne Yang, Scott Quist, Karla Bush, and Andrea Hattan. The committee was staffed by Jon McCracken.

Others in attendance included: Kurt Iverson, Alisha Miller, Ben Cheeseman, and LT Ben Hinchman.

1. C8 Unguided Halibut Rental Boat Registration

Kurt Iverson, NMFS staff, provided an overview of the proposed action that would apply exclusively to unguided halibut rental vessels and the anglers that harvest halibut on these vessels. The measures under consideration include: a registration requirement for all unguided rental vessels used for harvesting halibut; and aligning the bag and size limits for halibut harvested by anglers on unguided rental vessel with those of anglers on charter vessels. The measures under consideration would apply in the Gulf of Alaska (GOA) in IPHC Regulatory Areas 2C and 3A or only Area 2C, dependent upon the Council's preferred alternative and chosen options.

The Enforcement Committee noted the proposed regulatory amendment would create a new category of regulated recreational vessels and anglers and found this proposed initial action would increase the complexity of halibut sport fishing regulations. This action would also increase the risk of anglers and rental operations inadvertently committing violations. The committee also recognized that outreach and education efforts to this new category of rental boat owners and recreational anglers would be challenging as this category of owners and anglers is not an organized sector nor professionally represented. Recognizing these enforcement challenges with the proposed action, the committee noted that the initial review analysis accurately captures most of the enforcement concerns including the desire to limit complexity, the need for clear intent expressed by the Council, and the need for clear definitions. As noted in the Enforcement Committee Precepts, the Committee encourages a clear description of the intent of the proposed action and discourages unnecessary regulatory complexity. The committee would recommend the Council clearly define "rental vessel" and identify the intent and scope of rental vessels that must be registered (e.g. time share, lodge rentals, fishing clubs, etc.).

The committee also discussed the need for clear assignment of responsibilities for issues relating to halibut fishing, retention, and reporting requirements for rental vessels under a regulated program. Challenges would include differentiating private vessels from unguided rental and charter vessels on the water or at the dock. The Committee emphasized that effective enforcement of the rental vessel registration would require the owner of the rental vessel to be identified and for rental vessels to be clearly identified by a sticker indicating it was an unguided halibut rental vessel. Under Alternative 3, the sticker would be crucial to enhance on the water enforcement. If a charter rental sticker were present and bag limits aligned, enforcement would inspect based on consistent requirements.

The committee noted that catch accounting/reporting requirements were not included in this action. Should the Council decide to add it as a requirement, the Council would need to declare the responsible

party for completing and submitting the catch accounting and reporting requirements, i.e. the rental boat owner, the unguided angler(s), or both.

It was also noted by the committee that identifying and locating violators would be challenging and time consuming after the fish come off the water and the anglers go home. Enforcement would need unhindered and timely access to all catch reporting data for effective and timely enforcement of catch accounting and reporting requirements, e.g. logbooks.

Other discussion points noted by the committee:

- The Committee noted there would be an incentive to find ways around the rental boat definition because private vessels would have fewer restrictions. It will be difficult for enforcement to differentiate unregistered rentals from private vessels.
- Enforcement agencies would prefer not to spend resources enforcing against anglers who make unintentional mistakes due to regulation complexity. Simple or consistent requirements help ensure enforcement spends more time addressing intentional violations.
- Enforcement would have to determine the purpose of trips (rental v. private, halibut v. non-halibut fishing) on water. Determining the purpose after the rental vessel is returned would be challenging if not impossible.
- Use of statewide harvest surveys would require cost to and cooperation of ADFG.
- Enforcement would likely hinge on patrols and inspecting retained halibut and associated records, not the intentions expressed with registration.
- Costs of enforcement, registration, recordkeeping, and data management could be high for implementing agencies.
- The new recreational sector would pose additional training challenges for USCG, Alaska Wildlife Troopers, and OLE officers.
- It was noted, State sportfish programs are going through deregulation. The proposed program may contradict the current direction of the State.
- With regards to Alternative 3, it was assumed by the committee that the proposed action would only apply to bag, possession, and size limits on rental vessels.

Finally, the Enforcement Committee requests additional review of the proposed action if it is advanced for final action.

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. Based on the 3-meeting outlook, the Enforcement Committee will not meet in February. Below is the tentative agenda item(s) the committee is planning on reviewing:

Agenda Issue and Type of Document	Schedule Council Review Meeting
GOA Pot Sablefish	April 2020
Unguided Halibut Rental Boat	April 2020