

Enforcement Committee Minutes

June 8, 2010

Westmark Hotel

Sitka, Alaska

Committee present: Roy Hyder (Chair), CAPT Mike Cerne, Sue Salvesson, Ken Hansen, Garland Walker, Sheerie Myers, Mike Adams, and Jon McCracken (Staff)

Others present: CDR Chris Woodley, LT Justin Forbes, Jeremiah Moon, Keith Bruton

C-6(b) Amendment 80 Vessel Replacement

Commander Chris Woodley, USCG Sector Seattle, presented an overview of safety implications of Amendment 80 vessel replacement. The presentation included safety performance, vessel class, loadline, and the USCG Alternative Compliance and Safety Agreement (ACSA) for the Amendment 80 fleet. After the presentation, the Committee discussed at length safety issues associated with current alternatives and options of the proposed vessel replacement action. In summary, the Committee agreed if aging Amendment 80 vessels were allowed to be replaced by newly constructed fish processing vessels, those replacement vessels would be inherently safer because they would be required to meet the full suite of modern safety standards. Allowing owners and naval architects maximum flexibility in determining vessel design and vessel dimensions within the well established rule of classification and loadline requirements would enhance the safety of new fish processing vessels.

These kinds of improvements in safety would not be realized, however, if an Amendment 80 vessel were to be replaced by another Amendment 80 vessel which is not classed or loadlined. Given that 22 of 24 Amendment 80 vessels do not meet requirements of class and loadline, replacing an Amendment 80 vessel with another Amendment 80 vessel would likely not result in substantial fleet-wide safety improvements. Based on these safety concerns, the Committee recommends that any Amendment 80 vessel used to replace other Amendment 80 vessels be classed and loadlined. Specifically, the language in Option 5, suboption would read replaced vessels must be classed and loadlined to be used to replace other Amendment 80 vessels.

C-4(a) Restructuring the Program for Observer Procurement and Deployment in the North Pacific

The Committee discussed potential enforcement issues associated with the various alternatives for restructuring the North Pacific Observer Program. The Committee recognizes that implementing regulations associated with the Council's preferred alternative will be complex and different alternatives would present different compliance monitoring and enforcement issues. However, the Committee believes that sufficient tools exist for after-the-fact monitoring and enforcement of new observer coverage requirements under all of the alternatives. The regulatory detail necessary to support these tools will need to be developed and the committee assumes that NOAA OLE, GCEL, and the USCG technical experts would be involved in the drafting of regulations to ensure an effective and enforceable program.

At this time, the Committee recognizes that many of the implementation details of this action still need to be further defined within the analysis. For example, the definition of a fishing trip

associated with the 72-hour time frame for calling in prior to a “trip” needs to be further defined to eliminate confusion. Depending on this and other regulatory issues that are identified post Council action on the restructured program, the committee may be interested in receiving an overview of the draft regulations to assess how compliance and enforcement issues have been addressed.

The committee recognizes that under restructuring, many sectors and fishermen who have little or no prior experience with onboard observers will likely be subject to coverage. Committee members have participated in outreach efforts conducted by Observer Program and Council staff, and commend these efforts. As restructuring continues, the committee recommends these agency outreach and education efforts continue, and believe this will greatly contribute to increased understanding and support for the program, and will increase compliance.

Agenda items for October 2010 Enforcement Committee Meeting

- Steller Sea Lion Action
- Review HAPC proposals
- GOA Tanner Crab
- Hagemeister Island
- Leasing of IFQ