

Enforcement Committee Minutes

February 5, 2008

Renaissance Hotel, Seattle, WA

Committee present: Roy Hyder (Chair), Sue Salveson, LCDR Lisa Ragone, Herman Savikko, Garland Walker, Martin Loefflad, and Jon McCracken (staff)

Others present: Bill Wilson, LT Patrick Barelli, Gregg Williams, Doug-Vincent Lang, Kristin Mabry, Bill Twight, Susan Auer, and LT Meghan Brosnan

I. Halibut - Initial allocation/accounting of commercial IFQs in charter fishery

The Enforcement Committee received an update from Sue Salveson on issues related to the accounting of commercial halibut IFQs in the charter fishery. The summary included an overview of the different accounting tools available, which include electronic reporting, logbooks, harvest tags, and punch cards. It was noted during the discussion that the individuals working on the accounting of commercial halibut IFQs have not found any fatal flaws that would make enforcement and monitoring of the IFQs unachievable. It was also noted that the level of complexity with regards to enforcement of the commercial halibut IFQs increases as leasing flexibility for IFQs increases. In addition, having separate pools of halibut that would accommodate leased IFQ in the charter fishery or guided angler fish (GAF) and common pool charter halibut fish also increases the level of complexity in accounting of halibut harvest in the charter vessel fishery. The Committee agreed that in designing and analyzing the accounting of GAF, the enforcement cost associated with each of the different accounting tools should be very apparent since enforcement cost will likely influence what accounting tools will be used. Also, the complexity of the regulations will have some effect on compliance and enforceability (i.e. the simpler the regulations are to understand, the easier they will be understood by the industry and enforcement personnel). In summary, the Committee is optimistic that the agencies working on the accounting of GAF will provide an analysis of the enforcement issues in time for the April 2008 meeting. At that time, the Enforcement Committee would be in a better position to provide specific recommendations to the Council.

II. Electronic Monitoring of the Pacific Whiting Fishery

The Enforcement Committee received a presentation on lessons associated with electronic monitoring in the West Coast Whiting Fishery from Mike Cencil, Deputy Chief, Washington Enforcement. Some of the lessons they learned about electronic monitoring are provided below:

- Proper placement of cameras and the number of cameras pose a challenge to enforcement
 - Cameras can be easily compromised
 - Crew is aware of camera blind spots
- Fish are difficult to identify using electronic monitoring
- Inseason management review was challenging because vessel hard drives had to be physically removed, potentially leaving vessels in port until another hard drive could be provided

Some of the recommendations offered by Mike Cenci are provided below:

- A strong regulation packet is needed
- Only allow daytime fishing and haul back
- No onboard camera monitors which prevent fishermen from seeing what the camera is seeing
- Install an adequate number of cameras, including a high resolution "ramp" camera
- Restrict unplugging of the camera
- Provide the ability for NMFS to download information daily from vessel hard drives

- Better definition of operational discards
- Major penalties for video monitoring violation
- Require log books

III. Agenda D-2(f) Seabird Avoidance Measures for 4E

The Enforcement Committee received a summary of an EA/RIR/IRFA by Bill Wilson and Kristin Mabry. The document analyzes the impacts of revisions to current seabird avoidance measures in the hook-and-line fisheries in IPHC Area 4E in the Bering Sea. The Enforcement Committee felt that none of the alternatives in this action pose any significant challenges for enforcement.

IV. Agenda D-3(c) Preliminary Review of the Arctic FMP EA/RIR/IRFA

Bill Wilson presented an overview of the Arctic Fishery Management Plan (FMP) preliminary draft EA/RIR/IRFA analysis to the Enforcement Committee. The Council proposes to develop an Arctic FMP that would (1) close the Arctic to commercial fishing until information improves so that fishing can be conducted sustainably and with due concern to other ecosystem components; (2) determine the fishery management authorities in the Arctic and provide the Council with a vehicle for addressing future management issues; and (3) implement an ecosystem based management policy that recognizes the unique issues in the Alaska Arctic. Given the size of the area covered by the Arctic FMP and lack of enforcement assets in the area, the Enforcement Committee recommends that the Council consider including in the FMP the normal suite of requirements associated with foreign fishing vessels transiting through the U.S. EEZ (e.g., all fishing gear must be stored) for any fishing vessel transiting through the Arctic FMP area. This suite of requirements would reduce the enforcement burden. In addition, the use of VMS as a tool to monitor fishing vessel activity in and around the area would be an appropriate tool. However, given the uniqueness of an Arctic FMP, the Enforcement Committee will need to further consider whether VMS is necessary and how it would be applied. In addition, the Committee recommends the analysis of the possible requirement for VMS in the FMP address the types of vessels and fishing activities that currently operate in the northern Bering Sea near Bering Strait. Types of vessels and activities include fishing vessels and fisheries in the Nome area, IFQ fisheries operating near St. Matthew Island, flatfish fisheries in the northern Bering Sea, local fishing vessels that may transit Bering Strait from Nome to/from Kotzebue, seasonal tug and barge operations that supply coastal and river-based villages, ore shipping from the Red Dog mine, and seismic survey vessels or other vessel activities that support oil and gas exploration and development in the Arctic. This analysis would also examine the interplay of regulatory authority for VMS in both the current BSAI groundfish FMP and the proposed new Arctic FMP.

V. Expiration of the State Vessel Limited Entry Permit Program for Scallop Fishery

The Enforcement Committee received an update on the expiration of the vessel limited entry permit program for the statewide weathervane scallop fishery from Herman Savikko. Under Section 16.43.906, vessel entry permits issued for the State fishery will expire on December 30, 2008, unless statutory authority is extended. Many of the scallop beds straddle the three-mile state waters boundary, with a larger portion of the bed located in federal waters and a smaller portion in state waters. The stratification of the scallop beds will make enforcement of the open access (State waters) portion of the scallop beds extremely difficult. Thus the Committee recommends that the Council send a letter to the President of the Senate, Speaker of the House, Chairman of the Board of Fish, and Governor Palin, supporting Alaska State Senate Bill 251, which permanently removes the sunset provision from Sec. 16.43.906 (in effect extending the vessel limited entry permit program in perpetuity).

Agenda Items for April 2008

Preliminary review of the accounting for commercial IFQs for charter anglers
 Preliminary review of the Salmon Bycatch EIS