

Enforcement Committee Minutes

March 29, 2011

Hilton Hotel, Anchorage, AK

Committee present: Roy Hyder (Chair), LT Anthony Kenne, Martin Loefflad, Ken Hansen, Dr. James Balsiger, Sherrie Myers, Stefanie Moreland, Jonathan Streifel, and Jon McCracken (staff)

Others present: Jane Dicosmo, Jeannie Heltzel, Diana Evans, Diana Stram, Galen Tromble, Melanie Brown, Will Ellis, and Chris Oliver

C-2 Halibut/sablefish hired skipper

Jane DiCosimo, Council staff, provided a brief overview of the public review analysis on the halibut/sablefish hired skipper currently under consideration by the Council. The purpose of this action would be to narrow the restrictions for initial recipients of quota share to use a hired master to harvest their IFQs in all areas where hired skippers are allowed.

Since the Enforcement Committee does not see any new enforcement issues associated with the hired skipper proposed action that was not noted at the February 2011 meeting, the Committee has no new recommendations.

C-3(b) GOA Chinook Salmon Bycatch Control Measures

Galen Tromble, NMFS staff, provided an overview of the monitoring and enforcement section of the initial review analysis on GOA Chinook salmon bycatch control measures currently under consideration by the Council. The Council has determined that Chinook salmon bycatch levels in 2010 were unacceptably high, and has developed an amendment package to reduce the risk of high bycatch levels in the future.

Although current observer sampling at the plant level is adequate for monitoring the proposed action, it was noted during the presentation, that the agency, through outreach, is planning to work with processing plants to improve sorting at the shoreside processors. Weekly calls currently being conducted to discuss the implementation of Amendment 91 will be useful in implementing the proposed program in the GOA. The use of outreach rather than the regulatory process to improve sorting at the plants will allow the proposed action to continue on its projected time line for implementation. If in the future, issues arise with the sorting of salmon bycatch in the plants, these issues could be addressed at a later time through future action. Given these reasons, the Enforcement Committee concurs with NMFS recommendation to pursue outreach with shore plants rather than through regulations to improve sorting at the shoreside processors.

The Committee also spent time discussing issues surrounding full retention of salmon under the proposed action. Current regulations require vessel operators to discard PSC salmon. In practice this is rarely feasible. For the pollock fishery it is common for vessel operators to retain most salmon because of the operational characteristics where large volumes of pollock are brought aboard and rapidly stowed in below-deck tanks, thus effective at-sea sorting of salmon is not practical. When an observer is aboard, vessels are required to allow for sampling by an observer before discarding prohibited species though the sample sizes tend to be very small, again for practical reasons. The standard practice is for the entire observed delivery to be sorted at the offload to get a total salmon count. It was noted that NMFS will have no way of verifying that full retention of salmon has occurred on unobserved vessels, therefore

NMFS will not be modifying their protocols for unobserved deliveries, but will focus on data quality and timeliness for the observed catches. Recognizing the differences between current regulatory requirements and existing practices in this fishery and the benefit of a uniform policy towards retention of salmon, the Enforcement Committee recommends full retention of all salmon is included in the proposed action.

The Committee noted that lessons learned in addressing deck loads in the Bering Sea pollock fishery will be applicable in the implementation of the proposed GOA Chinook salmon bycatch action.

The Committee also spent time discussing the potential timeline associated implementing increased observer coverage under this proposed action with implementation of the restructured observer program. NMFS anticipates the proposed observer coverage for the less than 60' LOA GOA pollock trawl fleet through the restructured observer program is between 6 to 18 months after an assumed mid-2012 implementation of this proposed action. In its discussion, the Committee recognized that various aspects of the restructured observer program could be impacted should observer coverage to vessels less than 60 feet be implemented with this proposed action, thus potentially competing for the same staff resources dedicated to the restructured observer program. The Committee also noted that implementing observer coverage requirements under this proposed action followed closely by implementation of the restructured observer program could result in a great deal of confusion for the industry. Given these impacts, the Committee agreed that if implementation date of the restructured observer program was within 6 months of implementation of this proposed action, there is an advantage to delaying increased observer coverage for the less than 60' catcher vessel fleet until implementation of the restructured observer program. However, if the timeline between the implementation of the proposed action and the restructured observer program is closer to 18 months, the Committee agreed that the benefit of Chinook observer data for the Western GOA less than 60' catcher vessel pollock fleet during those 18 months would likely outweigh the disadvantages of implementing increased observer coverage under this proposed action prior to implementing the restructured observer program.

Finally, the Committee doesn't find any safety concerns with this proposed action with the exception of the need to do safety inspections for the expanded observer coverage for the less than 60' catcher vessels under this proposed action. The Committee noted that with the expansion of the observer program to the new fleet and as the GOA fleets approach Chinook bycatch limits, there is the potential for data bias and harassment of observers. While we expect the majority of the fleet will comply with the regulations and cooperate with observer requirements, due diligence will be necessary to ensure staff are dedicated to address safety of observers and any data bias/ harassment issues that arise. In addition, the Committee recommends that outreach occur to the less 60' catcher vessel fleet to provide guidance with observer requirements.

C-5 Revise GOA Pacific Cod Jig Fishery Management

Jeannie Heltzel, Council Staff, provided an overview of the proposed action to open Federal waters to directed fishing for Pacific cod with jig gear concurrent with the State of Alaska Guideline Harvest Limit (GHL) fishery for Pacific cod in the GOA. Catches in Federal waters would accrue to the State jig GHL, which is specified as a percentage of the GOA Pacific cod ABC. Jig gear was recently exempted from the Limited License Program (LLP) requirement in the GOA subject to gear limits.

The Committee noted that the proposed action would likely provide a benefit by reducing enforcement monitoring of jig vessels (following closure of federal waters) since Federal waters would remain open to directed fishing for Pacific cod with jig gear concurrent with the State of Alaska Guideline Harvest Limit (GHL) fishery in the GOA. In the past, once the parallel fishery closed and the GHL fishery opened, enforcement routinely monitored jig vessel activity to ensure vessels did not stray into Federal

waters. The Committee noted that jig vessels fishing in the State GHL fishery and operating in Federal waters during this period will be required to carry all Federally mandated safety gear.

The Committee also spent time discussing some of the challenges of applying State of Alaska fishery regulations in Federal waters that may be necessary under this proposed action. For example, the State utilizes exclusive registration for purposes of fishery management, so a State water vessel has to select, on an annual basis, to fish in either the Cook Inlet area or the Kodiak area and cannot participate in the other area for the remainder of the year. The committee presumes vessels fishing in federal waters under this action would be registered for the state GHL fishery. The Committee noted that interaction between State and Federal regulations will be necessary under this proposed action.

C-6(c) Pribilof BKC Rebuilding Plan

Given there is no additional enforcement or safety issues association with final action on Pribilof Island blue king crab rebuilding plan, the Council reiterates its December 7, 2010 comments on this issue which are provided below.

The Enforcement Committee focused their attention on the potential for having two different rules for trawling in proposed closures. It was noted that Options 2a, 3a, and 4a, which would prohibit all groundfish fisheries which have contributed to PIBKC bycatch, are determined by gear and target and therefore would allow for the possibility of different trawl rules in the proposed closure area. In general, with respect to closed area enforcement, the more exceptions there are to closed areas, the more problematic for enforcement. This is especially true when an exception allows pelagic trawling while prohibiting non pelagic trawling. Although VMS is currently required in these fisheries, VMS it is not a tool that can be used to differentiate gear types. In addition, an aircraft can easily differentiate between a trawl, pot, and longline vessel, but cannot differentiate between vessels operating pelagic and non-pelagic trawl gear. This requires an at-sea boarding. In summary, the Enforcement Committee recommends the analysis clearly analyze the monitoring and enforcement issues involved in enforcing the regulations that allow different trawl rules within area closure.

Future Agenda Items and Review of the Three Meeting Outlook

No Enforcement Committee meeting in June.