

Enforcement Committee minutes

Birch Room, Hilton Hotel, Anchorage, AK
October 2, 2012 1-2pm

Committee: Roy Hyder (Chair), Asst Special Agent in Charge Ken Hansen, LT Anthony Kenne, Martin Loefflad, Glenn Merrill, Special Agent in Charge Sherrie Myers, Jon Streifel, Garland Walker, and Diana Evans (staff)

Others present included: Brad Robbins, Sarah Melton, Guy Holt

1. Transit around Round Island walrus protection area

At the June Council meeting, the Council initiated a regulatory amendment to address a problem, identified by the Enforcement Committee, related to enforcement concerns with existing regulations. Currently, vessels with Federal Fishing Permits are prohibited from transiting between 3 and 12 nm around Round Island and Cape Pierce. The Committee received a short update from Ken Hansen about his discussions on this issue with the US Fish and Wildlife Service (USFWS). Ken has recently received a letter from USFWS (attached) providing input that is relevant for the analysis, and **the Committee recommends that the letter be provided to Council staff for use in the preparation of the analysis.** Additionally, the USFWS provided a fact sheet with guidelines for marine vessel operations, for distribution to marine vessels that may be operating near Pacific walrus haulouts in Bristol Bay. The Committee recognizes that currently, there is confusion for the fleet about the enforcement of the existing regulations. This confusion will be alleviated with Council action on the regulatory amendment, and the Committee looks forward to the Council's review of the analysis.

2. VMS discussion paper

Diana Evans presented the VMS discussion paper that was authored by Jon McCracken. The Committee commended Jon on his paper, which provides valuable information on current and potential future uses for VMS in Alaska. If the Council chooses to continue exploration of this issue, the Committee provided some considerations to be included in a future iteration.

The Committee discussed whether there could be further evaluation of how having VMS on vessels would affect management, enforcement and compliance, or safety needs. Committee members noted that it may be possible to review previous search and rescue cases. There are additional factors that go into a successful search and rescue, which make it difficult to isolate and quantify the specific effect that having a VMS unit might play. However, an effort could be made to evaluate previous cases with a view to determining the size of the initial search area for vessels without VMS, and compare that to vessels with VMS. Quickly identifying the relevant search area is a critical element of a successful search and rescue effort, allowing for immediate deployment of assets, as well as the identification of potential Good Samaritan vessels that may be in the area.

Committee members also discussed that having VMS data substantially improves efficiency in both investigating and litigating enforcement violation cases, although it is difficult to quantify this improvement. For the IFQ fleets, which are largely the fleets that are not currently required to have VMS, the primary enforcement focus is to ensure that harvest occurs in lawful areas (as many of the EFH groundfish management closure areas do not apply to these fleets). Therefore, much of the evaluation of VMS data would be able to be automated or routinely conducted via landing records, and additionally, there tends to be an increase in compliance following VMS implementation.

The Committee also considered the discussion, in Section III, of the fleets that are not currently required to carry VMS. The Committee noted it would be helpful to see a further refinement of vessel counts by size in the four fleets, especially within the 30' to 60' LOA category. The Committee suggested that there are other relevant length class breakpoints that would be useful to evaluate within this category. For example, the length class for IFQ D class shares is 35' LOA, so it would be helpful to distinguish vessels above and below this threshold.

Additionally, the Committee suggested that it would be useful to have further analysis regarding the number of vessels in each fishery having landed fish from multiple regulatory areas, and those that have primarily landed fish from a single regulatory area.

The Committee noted that the title of the subsection in Section IV, "Alternatives to VMS", may be confusing, and the Committee recommends that the subsection instead simply refer to "Other available monitoring tools". For example, the discussion paper clearly explains that Automated Information System (AIS), while an electronic monitoring tool, is not a viable alternative to VMS for enforcement and management needs. AIS certainly has utility, especially for safety when transiting in congested traffic areas, and providing constant locational data when it is within reach of a receiver. VMS, however, provides complete coverage of all fishing grounds within the EEZ, and cannot lawfully be turned on or off.

Finally, the Committee notes that if the Council decides to move ahead with an analysis of this issue, the Committee would have suggestions about how to minimize the impacts of this requirement on the fleets. The Committee would be happy to further develop those suggestions at the appropriate time.