



## Enforcement Committee

### MINUTES

April 2, 2019

The North Pacific Fishery Management Council's Enforcement Committee met on April 2, 2019 in Anchorage, Alaska.

**Committee Members in attendance included:** Steve Marx (Co-Chairman), Will Ellis (Co-Chairman), Anne Marie Eich, CAPT Allison Caputo, Jennifer Ferdinand, Nathan Lagerwey, Jon Streifel, Brian McTague, and LCDR Yvonne Yang. The committee was staffed by Jon McCracken.

**Others in attendance included:** Guy Holt, Col. Doug Massie, Josh Keaton, Alicia Miller, Rebecca Skinner

#### **1. Progress Report on Trawl Electronic Monitoring (EM) Committee's Cooperative Research Plan**

Elizabeth Figus, Council staff for the Trawl EM Committee, provided a progress report on the status of the Trawl EM Cooperative Research Plan and plans for developing a trawl EM EFP application during 2019. The committee spent a few minutes asking questions of staff to get further clarification about details of a potential EFP for exempting pelagic trawl CVs targeting pollock from discard requirements. The committee noted the EM logistics for trawlers should be similar to the fixed gear model, which is in line with existing enforcement precepts. In addition, the committee noted that during future Trawl EM milestone presentations to the Council, the committee would appreciate receiving updates from staff in order to facilitate collaboration and provide input about ongoing development of EM for compliance with a maximized/optimized retention system on pelagic pollock trawl CVs.

#### **2. Agenda Item C6 - Review CQE Fish-up in 3A Analysis**

Sara Cleaver and Stephanie Warpinski, Council and NMFS staff, provided an overview of the CQE fish-up in 3A analysis and the enforcement issues associated with the proposed action. The action under consideration would allow Community Quota Entities in Area 3A to fish "D" (D class) halibut quota on Category "C" (C class) vessels, either after a date specified in regulation (Alternative 2), in a limited number of years (Alternative 3), or both (Alternatives 2 and 3 combined). Currently in 3A, only vessels that are  $\leq 35$  ft LOA can harvest D class IFQ, and vessels that are  $\leq 60$  ft LOA can harvest C class IFQ.

Throughout the staff presentation, committee members asked numerous questions concerning how entities would be affected by the proposed action, how the proposed action would be regulated, and how existing regulations would be complicated, and how the previous CQE fish-up action in Area 3B would impact this action.

The committee noted that the initial review analysis accurately captured the law enforcement concerns. Per the Enforcement Committee precepts, the committee would recommend not creating special regulatory exemptions that are often difficult to enforce. If the Council moves forward for final action, the Enforcement Committee would prefer the NMFS's recommendation as it minimizes regulatory confusion, enforcement efforts, and cost recovery increases to the IFQ Program.

### 3. Agenda Item D8 – Review of Sablefish Discards Discussion Paper

Joe Krieger, NMFS staff, provided an overview of the sablefish discards discussion paper to the Enforcement Committee. This discussion paper builds on an October 2018 paper exploring the potential to allow discards of small sablefish in the Individual Fishing Quota (IFQ) sablefish fishery. This discussion paper briefly characterizes a range of decision points that are likely to require development through future analyses if the Council chooses to recommend action on a discarding provision for the IFQ sablefish fishery. The October 2018 motion<sup>1</sup> calling for this discussion paper, identifies nine specific challenges, of which enforcement considerations was one of identified challenges.

The Enforcement Committee noted that the discussion paper accurately captures enforcement concerns. If the Council decides to allow discards of small sablefish that it be voluntary rather than mandatory. Mandatory release of small sablefish will result with increased compliance monitoring efforts during offload monitoring and regulatory complexity with minimum length requirements.

The Enforcement Committee discussed potential new management and reporting concerns that may result from the action. If the Council includes new record keeping requirements, the committee noted there would be questions concerning how those requirements would impact management, observer data collection, observers work environments, or electronic monitoring. New reporting and record keeping requirements would generate additional enforcement effort for compliance monitoring and require further analysis by the Enforcement Committee. Regardless of which alternative is selected, there would be increased pressure on observers with regards to sablefish data collection that could impact work environments and result violations. This might be similar to the work environment challenges around halibut bycatch and discard.

### 4. 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. Below are the agenda items the committee would review at the June and October meeting.

<b>Agenda Issue and Type of Document</b>	<b>Schedule Council Review Meeting</b>
Crab partial deliveries: Initial review	June 2019 (T)
Observer Annual Report for 2018 (Enforcement Chapter)	June 2019
Non-guided halibut rental boat registration: Initial review	October 2019 (T)

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<sup>1</sup> <http://meetings.npfmc.org/CommentReview/DownloadFile?p=cb4f3d0b-62d2-42a2-978e-0a339956f983.pdf&fileName=D2%20COUNCIL%20MOTION.pdf>