



Enforcement Committee

MINUTES

March 31, 2021

The North Pacific Fishery Management Council's Enforcement Committee met on March 31, 2021 virtually.

Committee Members in attendance included: Steve Marx (Co-Chairman), Will Ellis (Co-Chairman), Glenn Merrill, LCDR Jedediah Raskie, Alicia M. Miller, Andrea Hattan, Jennifer Ferdinand, Karla Bush, Brian McTague, Nathan Lagerwey, and CAPT Aaron Frenzel. The committee was staffed by Jon McCracken.

Others in attendance included: Benjamin Cheeseman, Forrest Braden, Alex Perry, Sara Cleaver, Drew Stafford, and Tom Gemmell.

1. D3 RQE Funding Mechanism Discussion Paper

Sarah Marrinian, Council staff, Angela Forristall, NPFMC/ Sea Grant Fellow, and Kurt Iverson, NMFS staff, provided an overview of the discussion paper, Agenda item D3, Recreational Quota Entity (RQE) Funding Mechanism, and enforcement issues associated with enforcing an RQE stamp program. The Enforcement Committee found the analysis and the discussion very helpful. The committee noted that the discussion paper accurately captures the enforcement concerns. The committee recognized that the analysis focused on the funding mechanism of the RQE to purchase and hold commercial halibut quota share on behalf of the charter halibut anglers in IPHC regulatory Areas 2C and 3A. Specifically, halibut quota share purchased by a RQE would augment the apportioned pounds of halibut for the charter catch limit for that area in that year, which could be used to relax the annual charter management measures (e.g., bag limits and size restrictions) up to the allowance for the unguided recreational sector. These management measures would apply for all charter halibut anglers in the corresponding IPHC areas. The primary compliance monitoring tools discussed for this user-fee based stamp would be at-sea or dockside boardings and potential audits of the ADFG charter logbook data and the RQE stamp database.

The Enforcement Committee had concerns about using limited conservation enforcement resources to enforce a funding mechanism between a non-profit organization and the private entities it represents. In essence, limited federal and state conservation enforcement resources would be enforcing a concept that is intended to generate a private benefit (i.e., compensated reallocation of halibut between sectors) and not a fisheries resource management action. The Enforcement Committee noted some parallels related to North Pacific cooperative programs and that these cooperatives function under civil contractual agreements with their members, in which breach of contracts are dealt with between the cooperatives and the members or through civil court.

The Enforcement Committee discussed that depending on how a program is administered, it would have very different enforcement requirements. Costs would escalate quickly with enforcement boardings and investigations, and individual angler stamps would require many more transactions than other existing fee collections programs. In contrast, an annual fee assessment that the Agency administered similar to how cost recovery fees are administered, could have an administrative enforcement mechanism that would delay an annual Charter Halibut Permit (CHP) renewal until the Agency had received the fee from the CHP holder. The details of how other funding mechanisms that incorporate an annual user based or

expected revenue assessment could be explored in an expanded discussion paper and analysis upon passage of the legislation.

The Enforcement Committee discussed that if the Council does move forward with the proposed RQE user-fee stamp option, a physical “stamp” may not be the best option. More anglers are moving to electronic licenses, etc. and so they may not have a place to adhere a physical stamp and the Committee suggested a separate type of card be used. Finally, the Enforcement Committee recommends that the Council ask the RQE program to consider and explore other RQE funding mechanism options, which would not involve federal and state field enforcement resources for the RQE fee collection process, but instead relies on administrative enforcement actions, i.e. denial of annual CHP renewal.