

Enforcement Committee Minutes
October 5, 2010
Hotel Captain Cook
Anchorage, Alaska

Committee present: Roy Hyder (Chair), CAPT Mike Cerne, Martin Loefflad, Sue Salveson, Ken Hansen, Garland Walker, Sherrie Myers, Jonathan Streifel, and Jon McCracken (Staff)

Others present: Diana Evans, Ray Reichl, Alan Kinman, Berry Spivey, Matt Richards, Erin Caldwell, Julie Bonney, and Bob Alverson

C-5 GOA Tanner Crab Bycatch

Diana Evans presented an overview of the analysis that proposes additional protection to Gulf of Alaska (GOA) Tanner crab from the adverse effects of groundfish fisheries in order to facilitate rebuilding of GOA Tanner crab stocks.

With respect to Alternative 2, monitoring and enforcement costs, the Committee augmented the discussion in the analysis with additional perspectives on Suboption 4 (vessels using pelagic trawl gear would be exempt from closures) and Suboption 5 (vessels using pelagic trawl gear to directed fish for pollock would be exempt from the closures). Suboption 5 would provide for more effective enforcement of Council intent compared to Suboption 4 for the following reasons:

- The analysis shows that less than 0.5 percent of observed catch of rockfish occurs in the closed areas;
- Monitoring a pelagic trawl exemption only during the pollock season (suboption 5) versus seasonally or year round for any vessel using pelagic trawl gear (suboption 4) would be more cost effective and focused during a limited period of time (weeks instead of months);
- The directed fishery for pollock with pelagic trawl gear when the fishery with non-pelagic trawl gear is closed does have a performance standard (no more than 20 crab of a specified size onboard the vessel at any point in time). Although this trawl performance standard is very difficult to enforce, it does provide an incentive to avoid fishing for pollock with pelagic trawl gear in direct contact with bottom habitat contrary to regulatory intent. A pelagic trawl performance standard has not been established for directed fisheries for non pollock groundfish (e.g. rockfish) with pelagic trawl gear. Thus, use of pelagic trawl gear to target rockfish in the closed areas could be fished hard on bottom with incidental catch of crab, other bottom dwelling organisms or rocks and still be consistent with a prohibition on use of non-pelagic trawl gear.

The Committee also noted that under Alternative 3, vessels less than 60 feet LOA would be required to carry observers for at least some of the fishing inside the proposed closure areas. These vessels have never carried an observer before, and would be required to prove compliance with existing safety and all other vessel requirements in 50 CFR part 679.50. Some level of increased enforcement may be necessary to ensure these vessels meet these requirements.

D-3(d) Preliminary Review of HAPC Proposals

Diana Evans provided a brief overview of the two HAPC proposals recommending six skate nursery areas in the Bering Sea. Given this agenda item was an informational presentation the Committee took no action on this agenda item.

Halibut/Sablefish IFQ Leasing Issues

Ken Hanson provided a brief overview of some of the challenges of enforcing some tenets of the Alaska Halibut/Sablefish IFQ program concerning leasing. To assist the Committee in future discussions concerning this issue, the Committee has some interest in knowing the Council's current views on the original provisions in the IFQ program that control or specify the form of participation in the fishery, such as requiring quota holders to be on board during fishing, specifying percentage of vessel ownership, or provisions that inhibit leasing. Given that a number of economic, social, and environmental factors have influenced forms of participation in the IFQ fishery since the program's inception, the enforcement agencies would benefit from understanding whether these provisions remain priority objectives for the Program. Each law enforcement agency has limited resources with which to enforce the myriad of Alaska fishery regulations, and deploys its resources in accordance with various priorities, which include enforcement of various regulations that support fishery management program design. The regulations must remain relevant to program managers, policy makers, fishery participants, and law enforcement in order to have their intended effect.