



Enforcement Committee

MINUTES

June 2, 2022, via Zoom 1p.m - 3 p.m.

The North Pacific Fishery Management Council's Enforcement Committee met on June 2, 2022, virtually.

Committee Members in attendance included: Steve Marx (Co-Chairman), Nathan Lagerwey (Co-Chairman), LCDR Jedediah Raskie, Andrea Hattan, Jennifer Ferdinand, and Brian McTague. The committee was staffed by Jon McCracken.

Others in attendance included: Alex Perry, Josh Keaton, Anna Henry, Sara Cleaver, Wynn Carney, Melanie Rickett, L. Thompson, Megan Mackey, Dennis Jaszka, and William Jensen.

1. C4 Trawl EM

Josh Keaton, NMFS staff, provided an overview of the draft initial review Environmental Assessment/Regulatory Impact Review analysis for proposed management measures that would apply exclusively to pollock catcher vessels (CVs) using pelagic trawl gear and pollock tender vessels in the North Pacific Observer Program's full and partial coverage strata. The Enforcement Committee found the analysis and the discussion helpful.

In reviewing the proposed trawl EM management measures, the committee focused their discussion primarily on the challenges of permitting vessels to opt-in to the EM program on a trip-by-trip basis. The committee recognized the benefits to the participants of a trip-by-trip option, but the committee noted that the option creates difficulties for observer deployment logistics, it creates uncertainty in the Annual Deployment Plan (ADP) process, lowers cost efficiency, and creates the potential for miscommunication and sampling issues for shore based observers at the plants. It was noted during the discussion on this issue that a trip-by-trip notification option from the Observer Program's budget perspective results in cost inefficiencies due to so many budget unknowns associated with the option. In addition, experience has shown that on the grounds communication at shore plants is further complicated by the trip-by-trip option. The flexibility of opting in on a trip-by-trip basis creates sampling challenges for observers determining which trips are delivering EM fish, and when a vessel delivery needs to be sampled and when it does not. These Observer Program challenges associated with a trip-by-trip opt-in model will also create compliance issues that OLE will be required to address (*e.g.*, if vessels do not communicate as required or do not fully comply with EM and retention requirements during opt-in trips) and, thus, will create more workload for OLE. It was also noted by the committee that an annual opt-in option would provide a clearer indication of vessels in the EM program, which in turn would aid at-sea enforcement. Conversely, a trip-by-trip option would make at-sea enforcement extremely challenging absent the vessel having a letter indicating they are presently on an EM trip. Based on these enforcement and observer challenges associated with a trip-by-trip opt-in option, the Enforcement Committee supports an annual opt-in exclusively. Alternatively, if the Council elects a more flexible option, the committee recommends an annually selected seasonal opt-in model.

A committee member expressed concern that an Industry Performance Plan, or Industry Incentive Plan, as proposed would amount to industry self-regulation and could diminish the important oversight and compliance roles that the Office of Law Enforcement performs in sustainably managed fisheries.

The committee also briefly touched on the importance of the chain of custody for salmon not being broken at any point. Recognizing that the inclusion of cameras on tender vessels represents a significant improvement in the chain of custody of salmon, the Enforcement Committee supports Alternative 2, which includes EM on tender vessels.

2. Chapter 4 of the Observer Program 2021 Annual Report

Jaclyn Smith from OLE provided an overview of Chapter 4 Compliance and Enforcement of the North Pacific Program 2021 Annual Report. The committee appreciated all of the hard work in compiling this information along with working proactively with companies and observers. Committee members noted that the normalization of reporting has provided good reporting rates from industry and observers which represents a sea change from just a couple of years ago.

3. Alaska Division Strategic Priorities 2023--27

The Enforcement Committee received a briefing from Nathan Lagerwey (NOAA OLE) regarding the ongoing update to Alaska Division OLE Strategic Priorities for 2023 through 2027. Mr. Lagerwey indicated that the agency is receptive to any comments on the priorities during this development period.