

North Pacific Fishery Management Council

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Enforcement Committee Minutes December 7, 2016

The North Pacific Fishery Management Council's Enforcement Committee met on December 7, 2016 in Anchorage, Alaska.

Committee members in attendance included Roy Hyder (Chairman), Will Ellis, Alisha Falberg, Glenn Merrill, Capt. Stephen White, LCDR Corrie Sergent, Trooper Jon Streifel. The committee was staffed by Jon McCracken.

Others in attendance included: Andy Mezirow, Buck Laukitis, Rachek Baker, LT Jeff Schoknecht, Kent Huff, Jaclyn Smith, Claude Dykstra, Xavier Tulik, Liana Pingayak, Janet Erik, Olga Paul, Jim Hasbrouck, Bob Powers, Jason Guild, Lang Van Dommel, Tom Taube

1. Mixing of Guided Halibut with Unguided Halibut on the same Charter Vessel

At the June 2016 meeting, the Council tasked staff to prepare a discussion paper on information concerning commingling (or mixing) of guided and unguided halibut on the same vessel for presentation at a future Council meeting. In October, the Enforcement Committee held a working session to review a draft discussion paper. The committee focused on further development of the potential alternatives in the discussion paper and recognized the need to hold an additional work session to finalize the potential alternatives.

During the December meeting, the committee worked to finalize the recommended alternatives and options for addressing the mixing of guided halibut and unguided halibut on the same charter vessel. During the discussion concerning the alternatives, the committee recommended that Alternative 3 not be included in any future development of this issue given that this alternative is dependent on self-reporting and the honor system which cannot be verified or validated by authorized enforcement officers. There was also a brief discussion on whether this proposed action should address and be expanded to all landed halibut including landing locations. However, members of the committee reaffirmed that the current proposed action applies only to Convention waters¹ and the inclusion of onshore locations in the proposed alternatives would make action significantly more complicated. There was also a discussion concerning Alternative 4 and the most appropriate definition of a "fishing vessel" for the purposes of this action and issue of mixing guided and unguided halibut. In the end, the committee recommended Alternative 4

¹ The Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea defines "Convention waters" as the waters off the west coast of Canada and the United States, including the southern as well as the western coasts of Alaska, within the respective maritime areas in which either Party exercises exclusive fisheries jurisdiction. For purposes of the Convention, the "maritime area" in which a Party exercises exclusive fisheries jurisdiction includes without distinction areas within and seaward of the territorial sea and internal waters of that Party.

include two options for definition of fishing vessel: 1) as written currently in the discussion paper², and 2) strike “or other floating facility” in the middle of alternative and “or floating facility” at the end of the alternative. In addition, the committee recommended revising footnote 3 by striking “float homes, float cabins, float camps, floating lodges, floating platforms, floating docks and other similar floating commercial, non-commercial, residential or”.

2. Demonstration of Saltwater eLogBook Pilot Project

Bob Powers and Jim Hasbrouck from Alaska Department of Fish & Game (ADF&G) provided a demonstration of the saltwater e-logbook pilot project. ADF&G has administered a saltwater guide reporting/logbook program since 1998. By statute and/or regulation, all sport fishing guide businesses and guides are required to complete a logbook page for every guided angler fishing trip, and submit logbook data periodically (e.g., weekly) to ADF&G. In an effort to save on cost, be more efficient and timely, and using the freshwater e-logbook project as a successful example, ADF&G has begun the development of an electronic logbook (eLogBook) system for the saltwater charter sector. A key feature is to continue to record data on an angler-trip basis (vs. vessel-trip). Some guide businesses have volunteered to participate in a pilot program to test the saltwater eLogBook system. ADF&G plans to carry out this saltwater eLogBook pilot project during the next fishing season in 2017 and fully implement eLogBooks starting in the 2018 fishing season.

The committee was appreciative of the demonstration, recognized the quality of information provided by the State during this presentation, and expressed interest in the results that will be provided once the pilot project is completed. During the presentation, the committee posed several questions and provided recommendations concerning the saltwater eLogBook system and the pilot program:

- The current 2-day history capability in the eLogBook system is problematic and does not provide a sufficient history of activity for the purposes of validation by enforcement agencies. It was requested that ADF&G modify the eLogBook to allow up to 14 days of entries for review. The 14-day period is consistent with current logbook submission requirements and would provide consistency between paper logbooks and eLogBooks
- An initial review of federal regulations indicates that the use of eLogBooks would be consistent with the data submission requirements in federal regulations. NMFS Sustainable Fisheries will coordinate with NOAA General Counsel (GC) and provide additional information to ADF&G after further review of regulations.
- An initial review of the ADF&G eLogBook client and charter operator certification process (checkbox and typing initials) indicates that it may provide adequate affirmation for enforcement purposes. NMFS and NOAA GC staff will coordinate with ADF&G and provide additional information after further review.
- NOAA OLE and the US Coast Guard requested the ability to directly query eLogBook data. ADF&G is considering this request to develop access to data by enforcement stakeholders.

² Current Alternative 4 language: *Halibut harvested using sport fishing guide services that is possessed with halibut harvested not using sport fishing guide services on a fishing vessel or other floating facility on convention waters in Area 2C or 3A, the IPHC annual management measures for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard that fishing vessel or floating facility.*

- ADF&G intends to provide a list of charter businesses and vessels participating in the saltwater eLogBook pilot project and an example letter of participation to NOAA OLE and US Coast Guard for dissemination to in field law enforcement officers, which will be presented for inspection at the time of boarding or inspection.³ ADF&G indicated that it expected roughly 20 businesses and vessels will participate in the pilot project.

Council member Andy Mezirow has volunteered to host a saltwater eLogBook pilot program demonstration during the pre-season in Seward for participants and enforcement to foster information exchange.

³ ADF&G will also provide a copy of the charter business and vessel list to NMFS Sustainable Fisheries.