

## **Enforcement Committee Minutes**

March 31, 2009

Hilton Hotel, Anchorage, AK

Committee present: Roy Hyder (Chair), Sue Salvesson, LCDR Lisa Ragone, Herman Savikko, Matt Brown, Sherrie Myers, Garland Walker, and Jon McCracken (staff)

Other present: Lt Ray Reichl (USCG), Chris Oliver (NPFMC), Joe Plesha, and Mike Mason

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### **I. Vessel Capacity**

To provide the Council with a more detailed assessment of the vessel capacity restriction, the Enforcement Committee spent a large amount of time reviewing at length the "Technical Aspects" section (pgs. 4-8) of NOAA's Vessel Capacity Limits paper, dated March 24, 2009. Overall, the Committee agrees with all technical aspects presented in the discussion paper and reiterates from its February 2009 minutes that utilizing vessel length, depth, and breath measurements to enforce a capacity limitation program (for both length-width ratio and a simple gross tonnage approach) appears feasible, but enforcing depth and breath measurements for purposes of vessel capacity limitations would be an extremely difficult and complex process. As noted in our December 2008 minutes, alternatives exist to limit capacity, such as trip limits or vessels caps, and these approaches generally would be more efficient to enforce. However, recognizing these alternatives are not under consideration at this time, the Committee provides the following assessment of some of the more technical aspects of the vessel capacity restriction: 1) any vessel capacity standard should be applied uniformly to all vessels required to meet the standard for such measurements to be verifiable by enforcement authorities; 2) the regulations must, at a minimum, define precisely what is to be measured (and what is to be excluded from such measurements); 3) define how that measurement is to be performed and when that measurement is to be performed; 4) given there is no official government certification for marine surveyors, requirements will have to be established for marine surveyors as a means to provide a uniform vessel capacity standard across the fleet; and 5) whether LOA of the vessel or MLOA listed on the LLP license are used to implement this requirement, the application of this standard will still require a fleet wide uniform vessel capacity standard and standardized marine surveyor requirements that have yet to be developed and assessed.

Finally, Law Enforcement's role is to enforce laws designed to accomplish a specific purpose. To this end, the committee questioned the efficacy of a vessel capacity approach based on a width restriction or simple gross tonnage maximum, as the best means of accomplishing the intended goal of protecting the historical and traditional vessel operators in this fishery. If component 6 is adopted, wider and more efficient vessels could still participate in the GOA fixed gear Pacific cod fishery by assigning an LLP with a larger MLOA endorsement to that vessel. In addition to this new and likely complex regulatory burden, the Committee believes that obtaining the necessary vessel measurements will likely impose a significant financial expense on all vessel owners restricted by this proposed action.

### **II. Statement of Purpose for Enforcement Committee**

The Committee briefly refined the statement of purpose and operation guidelines for the Enforcement Committee. Provided below are the recommended purpose statement and operating guidelines for Council consideration and approval.