

Enforcement Committee DRAFT Minutes
October 3, 2006 5:30pm
October 4, 2006 5:00pm
Grand Aleutian Hotel-Makushin Room
Dutch Harbor, Alaska

Committee present: Captain Mike Cerne, Cathy Coon (staff), Roy Hyder (chair), Bill Karp, Ken Lawrenson, LT Alan McCabe, Jeff Passer, LCDR Lisa Ragone, Sue Salveson, Herman Savikko, Lauren Smoker, and Garland Walker.

1. Report on VMS Initial Review for EA/RIR (Ben Muse)

Dr. Ben Muse (NMFS AKR) provided an overview on the draft RIR/IRFA on Vessel Monitoring Systems. The document contains input provided by the Committee. The Committee commends Ben on the entire analysis and recommends to the Council that the document be released for public review.

The Committee discussed certain issues within the document pertaining to enforcement, and requests some amendments to the document for the next iteration.

The Committee recommends the document include some assessment of the value of the fisheries not covered by VMS. Currently the document contains a table that provides volume (in terms of metric tons) and the value of the fisheries may also provide some valuable information in the review.

The Committee discussed the options available to the Alternatives, and highlighted that a clarification may be warranted under the transit option. The analysis currently evaluates an exception to operating VMS on vessels while transiting the EEZ by requiring gear stowage and a check in call to NOAA OLE or U.S. Coast Guard. The Committee would like the Council to consider the gear stowage and the call to enforcement as an “either/or” situation instead of both being required. The Committee supports the gear stowage option and feels the “call in” is not necessary and may be difficult for vessels to comply with. A “call in” could also be man-power intensive to enforcement. The Committee noted that the gear stowage exemption would be consistent with current law that allows foreign fishing vessels to pass freely through the EEZ if they have their gear stowed.

Additionally, NMFS enforcement had a specific comment relative to law enforcement response to VMS failures. This pertains to Section 3.3 of the analysis. It was noted that there are no cases from Alaska to Hawaii and to U.S. western Pacific territories where enforcement has ever directed a vessel back to port when its VMS failed. They have always worked with vessels by telephone, fax, or radio contact to allow the vessel to complete a trip. It is important, however, to continue to give enforcement the authority to direct a vessel to port on a case-by-case basis if there is an overriding concern about compliance with other regulations.

Suggested Agenda Items for the next meeting

- 1 Halibut Charter (Captain Cerne) 5- fish limit
2. MRA
3. VIP Appeal Analysis (NMFS staff)
4. VMS (February)
5. AIHCA Modification (February)
6. BSH EFH slated for future