

Enforcement Committee Minutes
Birch/Willow Room, Hilton Hotel, Anchorage, AK
December 10, 2013

Committee: Roy Hyder (Chair), Acting Special Agent in Charge Matt Brown, CAPT Phil Thorne, LCDR Anthony Kenne, Glenn Merrill, Lt. Will Ellis, Susan Auer, Nicole Kimball, and Jon McCracken (staff)

Others present included: Steve MacLean, Steve Bear, Vince O'Shea, Al Cain, Barbi Failor, Guy Holt, Brad Robbins, Doug McBride, Melanie Brown, LT Steven Hulse, Aaron Ariss, Alicia Miller, Scott Meyer, Heather Gilroy, Karl Haflinger, Paul McGregor, Peggy Murphy, David Whetheral, David Fraser, Dave Long, Jeff Hartman, John Bundy, Sally Bibb, Daniel Carpenter, and Alexis Cooper

I. Charter Halibut Annual Management Measures

The Charter Halibut Implementation Committee met on 9 December, 2013 and did not recommend annual limits as a measure to keep charter halibut harvest within the charter allocations for 2014. Given that annual limits were not recommended, the Enforcement Committee did not take up this issue at this time.

II. C-2 Initial Review of Round Island Transit Analysis

Council staff, Steve MacLean, provided an overview of the EA/RIR/IRFA for a regulatory amendment to address a problem related to enforcement concerns with the analysis. The proposed action would establish transit areas through the walrus protection areas at Round Island and Cape Peirce in order to allow vessels with Federal Fisheries Permits (FFPs) to transit through the areas while tendering for State of Alaska managed herring and salmon fisheries in Tokiak Bay, Cape Peirce, and Cape Newenham, and Security Cove, or while transferring groundfish from the federal fisheries to floating processors or trampers in Tokiak Bay or Hagemeister Strait.

The Committee noted that the change in focus away from narrow transit corridors reduced the burden on the Council or agency in defining safely navigable waters or changing right-of-way requirements in the region. The transit areas in the revised document continue to provide protections for Pacific walrus around defined haul out locations, and provides for expanded areas for vessels to safely navigate. It was noted by the Committee that if additional alternatives or options are added, the Committee would like to review those additions due to the enforcement issues associated with this proposed action.

The Committee spent some time discussing the use of Vessel Monitoring System (VMS) as a tool for enforcing the transit areas, and noted that the analysis showed 40 percent of the herring tender vessels with FFPs that transited this area did not currently have operational VMS units. It was noted that without a VMS requirement on all federally permitted vessels utilizing these transit areas, the ability of Office of Law Enforcement (OLE) to track vessel movement is limited and requires on-scene enforcement assets. The Committee noted that the purpose of this action is to maintain suitable protections for walrus on Round Island and Cape Peirce while also restoring access to routes used by tendering vessels before implementation of GOA FMP Amendment 83. An additional purpose is to allow Amendment 80 vessels delivering groundfish to use a route north of Round Island to reduce fuel costs and reduce the likelihood of disturbance to walrus on Hagemeister Island. The Committee understands that additional VMS

requirements are not explicitly part of the Council's current suite of alternatives although it is the most appropriate tool for monitoring traffic of federally permitted vessels through the area. The analysis of the alternatives provides safe, appropriate, and enforceable measures to meet the Council's intent to return vessels to the pre-Amendment 83 status quo with regards to providing opportunities to transit the area and still provides adequate protection to walrus haul outs in the region. In addition, given the number of vessels that operate in this region that are not required to have operational VMS units, in particular the extremely high numbers of state registered vessels without FFPs, it may not be necessary to require the limited number of federally permitted vessels operating in the region to acquire new VMS units.

Finally, there was some discussion relating to the appropriate VMS poll rate for federally permitted vessels using this area. The Committee noted that any increase in polling rates associated with enforcing these transit areas would need further analysis to determine the appropriate rate.

III. Implementation recommendations for other VMS features for vessels already subject to VMS requirements

The Committee discussed the way forward in addressing the Council's motion for development of a report on expanded VMS capabilities for vessels already required to have operational VMS units. A draft outline was provided by the Committee to facilitate discussion on enhanced VMS capabilities and that these capabilities may be beneficial for the monitoring and enforcement of impending Council decisions. The Committee provided feedback to staff on the proposed outline and asks staff to continue working on the VMS report.

The Committee noted that the report should focus first on what current VMS units provide to the region, and whether the current system provides the appropriate level of information needed by the various user groups (NOAA OLE, NMFS, ADF&G, and industry). The second task would be to determine what data information needs user groups have or anticipate in the future, and identify whether the units are capable of accomplishing these needs. The Committee also discussed using this portion of the paper to be able to evaluate whether other tools or advancements in technology could better meet the same needs.

The Committee has a target of the April Council meeting to bring back a draft of this document for review by the Committee. Council review could be some time after that meeting.